



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1932/P2

EKL:wjl

P3

DOA:.....Gilchrist, BB0317 - Technical changes to improve clarity and scope of TRIP and debt collection statutes

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN 2/21

INSERT

D-NOTE

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

GENERAL TAXATION

1. Modifications to state debt collection programs

This bill modifies the programs under which DOR is authorized to collect debt owed to state agencies, municipalities, and counties by offsetting tax refunds and other state payments due the debtor. The bill consolidates provisions under which a state agency, municipality, or county refers a debt to DOR for collection and includes the State of Wisconsin in the definition of "state agency" for purposes of the debt collection programs. Under the bill, any legal action contesting the validity of a debt must be brought against the unit of government that referred the debt. The bill repeals the requirement that DOR provide quarterly status updates to a state agency, municipality, or county regarding the debt collection. Under the bill, DOR may provide, upon request, information to a state agency, municipality, or county about each debt's status and may provide weekly reports of the amounts collected and payments disbursed. The bill replaces the current requirement that DOR charge debtors for administration expenses with a requirement that debtors pay a collection fee, and repeals the requirement that DOR annually review its prior year's administrative costs and adjust the charges accordingly.

For further information see the *state* 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.** 49.855 (3) of the statutes is amended to read:

2 49.855 (3) Receipt of a certification by the department of revenue shall
3 constitute a lien, equal to the amount certified, on any state tax refunds or credits
4 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
5 setoff under s. 71.93 (3), ~~(6)~~, and ~~(7)~~. When the department of revenue determines
6 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
7 obligor that the state intends to reduce any state tax refund or credit due the obligor
8 by the amount the obligor is delinquent under the support, maintenance, or receiving
9 and disbursing fee order or obligation, by the outstanding amount for past support,
10 medical expenses, or birth expenses under the court order, or by the amount due
11 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
12 days the obligor may request a hearing before the circuit court rendering the order
13 under which the obligation arose. Within 10 days after receiving a request for
14 hearing under this subsection, the court shall set the matter for hearing. Pending
15 further order by the court or a circuit court commissioner, the department of children
16 and families or its designee, whichever is appropriate, is prohibited from disbursing
17 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
18 hearing. The sole issues at that hearing shall be whether the obligor owes the
19 amount certified and, if not and it is a support or maintenance order, whether the
20 money withheld from a tax refund or credit shall be paid to the obligor or held for
21 future support or maintenance, except that the obligor's ability to pay shall also be

1 an issue at the hearing if the obligation relates to an order under s. 767.805 (4) (d)
2 1. or 767.89 (3) (e) 1. and the order specifies that the court found that the obligor's
3 income was at or below the poverty line established under 42 USC 9902 (2).

4 **SECTION 2.** 59.40 (4) of the statutes is amended to read:

5 59.40 (4) CLERK OF CIRCUIT COURT; DEBT COLLECTOR CONTRACT. If authorized by
6 the board under s. 59.52 (28), the clerk of circuit court may contract with a debt
7 collector, as defined in s. 427.103 (3), or enter into an agreement with the department
8 of revenue under s. 71.93 (8) for the collection of debt. Any contract entered into with
9 a debt collector shall provide that the debt collector shall be paid from the proceeds
10 recovered by the debt collector. Any contract entered into with the department shall
11 provide that the department shall charge a collection fee, as provided under s. 71.93
12 (8) ~~(b) 1.~~ (am). The net proceeds received by the clerk of circuit court after the
13 payment to the debt collector shall be considered the amount of debt collected for
14 purposes of distribution to the state and county under sub. (2) (m).

15 **SECTION 3.** 71.93 (title) of the statutes is amended to read:

16 **71.93 (title) Setoffs for other state agencies and debt collection for state**
17 **agencies, municipalities, and counties.**

18 **SECTION 4.** 71.93 (1) (a) 3. of the statutes is repealed.

19 **SECTION 5.** 71.93 (1) (a) 4. of the statutes is repealed.

20 **SECTION 6.** 71.93 (1) (a) 5. of the statutes is repealed.

21 **SECTION 7.** 71.93 (1) (a) 6. of the statutes is repealed.

22 **SECTION 8.** 71.93 (1) (a) 7m. of the statutes is repealed.

23 **SECTION 9.** 71.93 (1) (a) 8. of the statutes is repealed.

24 **SECTION 10.** 71.93 (1) (a) 9. of the statutes is created to read:

1 71.93 (1) (a) 9. A delinquent child support or spousal support obligation that
2 is certified under s. 49.855 and is owed to, or may be recovered by the department
3 of children and families on behalf of, a custodial parent, former spouse, or other
4 person.

5 **SECTION 11.** 71.93 (1) (a) 10. of the statutes is created to read:

6 71.93 (1) (a) 10. Restitution owed pursuant to an order or judgment under s.
7 973.09 (3) (b) or 973.20 (1r) that may be owed to, paid to, or recovered by the victim,
8 the department of corrections, a court, or a clerk of court.

9 **SECTION 12.** 71.93 (1) (b) of the statutes is amended to read:

10 71.93 (1) (b) “Debtor” means any person owing a debt to a state agency and any
11 person who owes a delinquent child support or spousal support obligation to an
12 agency of another state.

13 **SECTION 13.** 71.93 (1) (e) of the statutes is renumbered 71.93 (1) (e) (intro.) and
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15 71.93 (1) (e) (intro.) “State agency” has the meaning set forth under s. 20.001
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19 branch of the Wisconsin state government, the legislature, or the courts.

20 **SECTION 15.** 71.93 (1) (e) 2. of the statutes is created to read:

21 71.93 (1) (e) 2. The State of Wisconsin.

22 **SECTION 16.** 71.93 (2) (title) of the statutes is amended to read:

23 71.93 (2) (title) CERTIFICATION OF STATE AGENCY DEBTS.

24 **SECTION 17.** 71.93 (2) of the statutes is renumbered 71.93 (2) (a) and amended
25 to read:

1 71.93 (2) (a) A state agency may certify to the department any properly
2 identified debt exceeding \$20 so that the department may set off the amount of the
3 debt against a refund to the debtor or so that the department of administration may
4 reduce a disbursement to the debtor by the amount of the debt. At least 30 days prior
5 to certification each debtor shall be sent a notice by the state agency of its intent to
6 certify the debt to the department for setoff or reduction and of the debtor's right of
7 appeal. At the time of certification, the certifying state agency shall furnish the
8 social security number or operator's license number of individual debtors and the
9 federal employer identification number of other debtors.

10 **SECTION 18.** 71.93 (2) (b) of the statutes is created to read:

11 71.93 (2) (b) A state agency wishing to certify a debt to the department shall
12 enter into a written agreement with the department prior to any certification under
13 par. (a). A certification of debt by a state agency, or changes to a certification, shall
14 be in a manner and form prescribed by the department. The secretary of revenue
15 shall be the final authority in the resolution of an interagency dispute regarding the
16 certification of a debt. If a refund or disbursement is adjusted after a setoff or
17 reduction, the department may readjust any erroneous settlement with the
18 certifying state agency.

19 **SECTION 19.** 71.93 (3) (title) of the statutes is repealed and recreated to read:

20 71.93 (3) (title) SETOFF.

21 **SECTION 20.** 71.93 (3) (a) (intro.) of the statutes is amended to read:

22 71.93 (3) (a) (intro.) The department of revenue shall ~~setoff~~ set off any debt or
23 other amount owed to the department, regardless of the origin of the debt or of the
24 amount, its nature or its date. ~~The department's setoff shall include the use of~~
25 ~~unclaimed property owed to the debtor under s. 177.24, against a refund owed to the~~

1 debtor. If after the setoff there remains a refund in excess of \$10, the department
2 shall set off the remaining refund against certified debts of ~~other entities~~ in the
3 following order:

INS 6-3 →
4 **SECTION 21.** 71.93 (3) (a) 1. of the statutes is amended to read:

5 71.93 (3) (a) 1. Debt under s. 49.855 (1), certified by the department of children
6 and families under sub. (2) (a).

7 **SECTION 22.** 71.93 (3) (a) 1m. of the statutes is amended to read:

8 71.93 (3) (a) 1m. Debt certified Restitution under s. 973.20 (10) (b) sub. (1) (a)
9 10. that is certified by the department of corrections, a court, or a clerk of court.

10 **SECTION 23.** 71.93 (3) (a) 3. of the statutes is amended to read:

11 71.93 (3) (a) 3. Debt under s. 71.935 owed to local units of government a
12 municipality or county and collected pursuant to an agreement under sub. (8).

13 **SECTION 24.** 71.93 (3) (a) 4. of the statutes is amended to read:

14 71.93 (3) (a) 4. Debt certified under sub. (2) (a), other than child support debt
15 certified by the department of children and families.

16 **SECTION 25.** 71.93 (3) (a) 7. of the statutes is amended to read:

17 71.93 (3) (a) 7. Federal tax obligations collected pursuant to an agreement
18 under s. 73.03 (52) (a) or (b).

19 **SECTION 26.** 71.93 (3) (b) of the statutes is amended to read:

20 71.93 (3) (b) The department shall provide the information obtained under sub.
21 (2) (a) to the department of administration. Before reducing any disbursement as
22 provided under this paragraph, the department of administration shall contact the
23 department to verify whether a certified debt that is the basis of the reduction has
24 been collected by other means. If the certified debt remains uncollected, the
25 department of administration shall reduce the disbursement by the amount of the

1 debtor's certified debt under sub. (2) (a), notify the department of such reduction and
2 disbursement, and remit the amount of the reduction to the department in the
3 manner prescribed by the department. If more than one certified debt exists for any
4 debtor, the disbursement shall be reduced first by any debts certified under s. 73.12
5 then by the earliest debt certified. Any legal action contesting a reduction under this
6 paragraph shall be brought against the state agency that certified the debt under
7 sub. (2) (a).

8 **SECTION 27.** 71.93 (3) (d) of the statutes is created to read:

9 71.93 (3) (d) The department may provide, upon request by a state agency, a
10 report that details each active debt subject to this section of the state agency,
11 including the ending balance. The department may provide a weekly report to a state
12 agency of amounts collected and payments through electronic funds transfer or state
13 account system general ledger transfer.

14 **SECTION 28.** 71.93 (4) of the statutes is repealed.

15 **SECTION 29.** 71.93 (5) of the statutes is renumbered 71.93 (3) (e) and amended
16 to read:

17 71.93 (3) (e) ~~Debtor charged for costs.~~ Each debtor shall be charged for
18 ~~administration expenses~~ a collection fee, and the amounts charged shall be credited
19 to the department's appropriation under s. 20.566 (1) (h). The department may set
20 off amounts charged to the debtor under this subsection against any refund owed to
21 the debtor, in the manner provided in sub. (3). ~~Annually on or before November 1,~~
22 ~~the department shall review its costs incurred during the previous fiscal year in~~
23 ~~administering state agency setoffs and reductions and shall adjust its subsequent~~
24 ~~charges to each debtor to reflect that experience.~~

25 **SECTION 30.** 71.93 (6) of the statutes is repealed.

1 **SECTION 31.** 71.93 (7) (title) of the statutes is repealed.

2 **SECTION 32.** 71.93 (7) of the statutes is renumbered 71.93 (3) (f).

3 **SECTION 33.** 71.93 (8) (title) of the statutes is amended to read:

4 71.93 (8) (title) ~~STATE AGENCY DEBT~~ DEBT COLLECTION AGREEMENTS.

5 **SECTION 34.** 71.93 (8) (a) of the statutes is repealed.

6 **SECTION 35.** 71.93 (8) (b) 1. of the statutes is renumbered 71.93 (8) (am) and
7 amended to read:

8 71.93 (8) (am) Except for debts under sub. (1) (a) 2. and 9. and except as
9 provided in subd. 2. par. (bm), a state agency and the department of revenue shall
10 enter into a written agreement to have the department collect any amount owed to
11 the state agency a debt that is more than 90 days past due, unless negotiations
12 between the agency and debtor are actively ongoing, the debt is the subject of legal
13 action or administrative proceedings, or the agency determines that the debtor is
14 adhering to an acceptable payment arrangement. At least 30 days before the
15 department pursues the collection of any debt referred by a state agency, either the
16 department or the agency shall provide the debtor with a written notice that the debt
17 will be referred to the department for collection. Any legal action contesting the
18 validity of a debt shall be brought against the state agency that referred the debt.
19 The department may collect amounts owed, pursuant to the written agreement, from
20 the debtor in addition to offsetting the amounts as provided under sub. (3). The
21 department shall charge each debtor whose debt is subject to collection under this
22 paragraph a collection fee and that amount shall be credited to the appropriation
23 under s. 20.566 (1) (h).

24 **SECTION 36.** 71.93 (8) (b) 2. of the statutes is renumbered 71.93 (8) (bm) and
25 amended to read:

1 71.93 (8) (bm) The department may enter into agreements described under
2 subd. 1. par. (am) with the courts, the legislature, authorities, as defined in s. 16.41
3 (4), and local units of government, to collect debt under s. 71.935, municipalities and
4 counties. Any legal action contesting the validity of a debt shall be brought against
5 the unit of government that referred the debt to the department.

6 **SECTION 37.** 71.93 (8) (b) 3. of the statutes is repealed.

7 **SECTION 38.** 71.93 (8) (b) 4. of the statutes is renumbered 71.93 (8) (c).

8 **SECTION 39.** 71.93 (8) (b) 5. of the statutes is renumbered 71.93 (8) (d).

9 **SECTION 40.** 71.93 (8) (b) 6. of the statutes is renumbered 71.93 (8) (e).

10 **SECTION 41.** 71.935 (1) (a) of the statutes is amended to read:

11 71.935 (1) (a) "Debt" means a parking citation of at least \$20 that is unpaid and
12 for which there has been no court appearance by the date specified in the citation or,
13 if no date is specified, that is unpaid for at least 28 days; an unpaid fine, fee,
14 restitution or forfeiture of at least \$20; delinquent general property taxes, as defined
15 in s. 74.01 (1), or a delinquent special assessment, as defined in s. 74.01 (3), special
16 charge, as defined in s. 74.01 (4), or special tax, as defined in s. 74.01 (5), and any
17 interest or penalty charged due to the delinquency; and any other debt that is at least
18 \$20, including debt related to property taxes, if the debt has been reduced to a
19 judgment or the municipality or county to which the debt is owed has provided the
20 debtor reasonable notice and an opportunity to be heard with regard to the debt. For
21 purposes of this subsection, a debt owed to an ambulance service provider operating
22 pursuant to a contract with a municipality or county under s. 59.54 (1), 60.565, 61.64,
23 or 62.133, is considered a debt owed to the municipality or county, if the debt relates
24 to providing ambulance services to individuals in that municipality or county as a

1 result of responding to requests that originate from a government-operated 911 call
2 center.

3 **SECTION 42.** 71.935 (1) (am) of the statutes is repealed.

4 **SECTION 43.** 71.935 (1) (ar) of the statutes is repealed.

5 **SECTION 44.** 71.935 (1) (b) of the statutes is amended to read:

6 71.935 (1) (b) "Debtor" means a person who owes a debt related to victim
7 restitution or who owes a debt to a municipality or county.

8 **SECTION 45.** 71.935 (4) (a) of the statutes is repealed and recreated to read:

9 71.935 (4) (a) The department may provide, upon request by a municipality or
10 county, a report that details each active debt subject to this section of the
11 municipality or county, including the ending balance. The department may provide
12 a weekly report to a municipality or county of amounts collected and payments
13 disbursed through electronic funds transfer or state account system general ledger
14 transfer.

15 **SECTION 46.** 71.935 (5) of the statutes is amended to read:

16 71.935 (5) Each debtor shall be charged for ~~administration expenses a~~
17 collection fee, and the amounts charged shall be credited to the appropriation
18 account under s. 20.566 (1) (h). The department may set off amounts charged to the
19 debtor under this subsection against any refund owed to the debtor, in the manner
20 provided in sub. (3). ~~Annually on or before November 1, the department shall review~~
21 ~~its costs incurred during the previous fiscal year in administering setoffs and~~
22 ~~reductions under this section and shall adjust its subsequent charges to each debtor~~
23 ~~to reflect that experience.~~

24 **SECTION 47.** 73.03 (67) of the statutes is amended to read:

1 73.03 (67) To submit a request for a supplement under s. 16.515 for
2 administering the debt collection program under s. 71.93 (8) ~~(b)~~ that includes a
3 detailed plan for implementing the program, a listing of agencies and other entities
4 that would participate in the program, an estimate of the amount of debt collections
5 under the program, and the fees that the debtors would pay under the program.

6 **SECTION 48.** 77.59 (5) of the statutes is amended to read:

7 77.59 (5) The department may offset the amount of any refund for a period,
8 together with interest on the refund, against deficiencies for another period, and
9 against penalties and interest on the deficiencies, or against any amount of whatever
10 kind, due and owing on the books of the department from the person who is entitled
11 to the refund. If the refund is to be paid to a buyer, the department may also set off
12 amounts in the manner in which it sets off income tax and franchise tax refunds
13 under s. 71.93 and may set off amounts for child support or maintenance or both in
14 the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3), ~~(6)~~ and
15 ~~(7)~~. No person has any right to, or interest in, any refund under this chapter until
16 setoff under ss. 49.855, 71.93, and 71.935 has been completed.

17 **SECTION 49.** 806.11 (1) (intro.) of the statutes is amended to read:

18 806.11 (1) (intro.) At the time of filing the warrant provided by s. 71.74 (14),
19 71.91 (5), or 71.93 (8) ~~(b)~~ ~~5.~~ (d), the clerk of circuit court shall enter the warrant in
20 the judgment and lien docket, including:

21 **SECTION 50.** 806.11 (2) of the statutes is amended to read:

22 806.11 (2) If a warrant provided by s. 71.74 (14), 71.91 (5), or 71.93 (8) ~~(b)~~ ~~5.~~ (d)
23 is against several persons, the warrant shall be entered, in accordance with the
24 procedure under sub. (1), in the judgment and lien docket under the name of each
25 person against whom the warrant was issued.

1 **SECTION 51.** 806.115 of the statutes is amended to read:

2 **806.115 Filing of duplicate copy of warrant.** The department of revenue
3 may file in any county a duplicate copy of a warrant filed under s. 71.74 (14), 71.91
4 (5), or 71.93 (8) ~~(b)~~ 5. (d) and the clerk of circuit court shall enter the duplicate copy
5 on the judgment and lien docket as provided in s. 806.11. When so entered, the
6 duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

7 **SECTION 52.** 973.20 (1r) of the statutes is amended to read:

8 **973.20 (1r)** When imposing sentence or ordering probation for any crime, other
9 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
10 (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
11 to any other penalty authorized by law, shall order the defendant to make full or
12 partial restitution under this section to any victim of a crime considered at
13 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
14 substantial reason not to do so and states the reason on the record. When imposing
15 sentence or ordering probation for a crime involving conduct that constitutes
16 domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) for which the defendant was
17 convicted or that was considered at sentencing, the court, in addition to any other
18 penalty authorized by law, shall order the defendant to make full or partial
19 restitution under this section to any victim of a crime or, if the victim is deceased, to
20 his or her estate, unless the court finds that imposing full or partial restitution will
21 create an undue hardship on the defendant or victim and describes the undue
22 hardship on the record. Restitution ordered under this section is a condition of
23 probation, extended supervision, or parole served by the defendant for a crime for
24 which the defendant was convicted. After the termination of probation, extended
25 supervision, or parole, or if the defendant is not placed on probation, extended

1 supervision, or parole, restitution ordered under this section is enforceable in the
2 same manner as a judgment in a civil action by the victim named in the order to
3 receive restitution or enforced under ch. 785, and the department or clerk of court
4 may certify the restitution to the department of revenue in accordance with s. 71.93.

5

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1932/P2ins
EKL:wlj

1

INS 6-3

****NOTE: This is reconciled s. 71.93(3)(a)(intro.). This SECTION has been affected by drafts with the following LRB numbers: -1932/P2 and -1933/P2.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1932/P2³dn

EKL:wlj



Date

1 John Gilchrist:

2 This draft reconciles LRB-1963/P1, LRB-1932/P2, and LRB-1933/P2. All of these
3 drafts should continue to appear in the compiled bill.

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5
6
7

Erika Lunder
Legislative Attorney
(608) 504-5819
erika.lunder@legis.wisconsin.gov

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LRB-1932/P3dn
EKL:kjf

February 21, 2019

John Gilchrist:

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Erika Lunder
Legislative Attorney
(608) 504-5819
erika.lunder@legis.wisconsin.gov



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EKL:wlj&kjf

DOA:.....Gilchrist, BB0317 - Technical changes to improve clarity and scope of TRIP and debt collection statutes

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1 71.93 (2) (a) A state agency may certify to the department any properly
2 identified debt exceeding \$20 so that the department may set off the amount of the
3 debt against a refund to the debtor or so that the department of administration may
4 reduce a disbursement to the debtor by the amount of the debt. At least 30 days prior
5 to certification each debtor shall be sent a notice by the state agency of its intent to
6 certify the debt to the department for setoff or reduction and of the debtor's right of
7 appeal. At the time of certification, the certifying state agency shall furnish the
8 social security number or operator's license number of individual debtors and the
9 federal employer identification number of other debtors.

10 **SECTION 17.** 71.93 (2) (b) of the statutes is created to read:

11 71.93 (2) (b) A state agency wishing to certify a debt to the department shall
12 enter into a written agreement with the department prior to any certification under
13 par. (a). A certification of debt by a state agency, or changes to a certification, shall
14 be in a manner and form prescribed by the department. The secretary of revenue
15 shall be the final authority in the resolution of an interagency dispute regarding the
16 certification of a debt. If a refund or disbursement is adjusted after a setoff or
17 reduction, the department may readjust any erroneous settlement with the
18 certifying state agency.

19 **SECTION 18.** 71.93 (3) (title) of the statutes is repealed and recreated to read:

20 71.93 (3) (title) SETOFF.

21 **SECTION 19.** 71.93 (3) (a) (intro.) of the statutes is amended to read:

22 71.93 (3) (a) (intro.) The department of revenue shall setoff set off any debt or
23 other amount owed to the department, regardless of the origin of the debt or of the
24 amount, its nature or its date. ~~The department's setoff shall include the use of~~
25 ~~unclaimed property owed to the debtor under s. 177.24, against a refund owed to the~~

1 debtor. If after the setoff there remains a refund in excess of \$10, the department
2 shall set off the remaining refund against certified debts of other entities in the
3 following order:

****NOTE: This is reconciled s. 71.93 (3) (a) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: -1932/P2 and -1933/P2.

4 **SECTION 20.** 71.93 (3) (a) 1. of the statutes is amended to read:

5 71.93 (3) (a) 1. Debt under s. 49.855 (1), certified by the department of children
6 and families under sub. (2) (a).

7 **SECTION 21.** 71.93 (3) (a) 1m. of the statutes is amended to read:

8 71.93 (3) (a) 1m. Debt certified Restitution under s. ~~973.20 (10) (b)~~ sub. (1) (a)
9 10. that is certified by the department of corrections, a court, or a clerk of court.

10 **SECTION 22.** 71.93 (3) (a) 3. of the statutes is amended to read:

11 71.93 (3) (a) 3. Debt under s. 71.935 owed to ~~local units of government a~~
12 municipality or county and collected pursuant to an agreement under sub. (8).

13 **SECTION 23.** 71.93 (3) (a) 4. of the statutes is amended to read:

14 71.93 (3) (a) 4. Debt certified under sub. (2) (a), other than child support debt
15 certified by the department of children and families.

16 **SECTION 24.** 71.93 (3) (a) 7. of the statutes is amended to read:

17 71.93 (3) (a) 7. Federal tax obligations collected pursuant to an agreement
18 under s. 73.03 (52) (a) or (b).

19 **SECTION 25.** 71.93 (3) (b) of the statutes is amended to read:

20 71.93 (3) (b) The department shall provide the information obtained under sub.
21 (2) (a) to the department of administration. Before reducing any disbursement as
22 provided under this paragraph, the department of administration shall contact the
23 department to verify whether a certified debt that is the basis of the reduction has

1 been collected by other means. If the certified debt remains uncollected, the
2 department of administration shall reduce the disbursement by the amount of the
3 debtor's certified debt under sub. (2) (a), notify the department of such reduction and
4 disbursement, and remit the amount of the reduction to the department in the
5 manner prescribed by the department. If more than one certified debt exists for any
6 debtor, the disbursement shall be reduced first by any debts certified under s. 73.12
7 then by the earliest debt certified. Any legal action contesting a reduction under this
8 paragraph shall be brought against the state agency that certified the debt under
9 sub. (2) (a).

10 **SECTION 26.** 71.93 (3) (d) of the statutes is created to read:

11 71.93 (3) (d) The department may provide, upon request by a state agency, a
12 report that details each active debt subject to this section of the state agency,
13 including the ending balance. The department may provide a weekly report to a state
14 agency of amounts collected and payments through electronic funds transfer or state
15 account system general ledger transfer.

16 **SECTION 27.** 71.93 (4) of the statutes is repealed.

17 **SECTION 28.** 71.93 (5) of the statutes is renumbered 71.93 (3) (e) and amended
18 to read:

19 71.93 (3) (e) ~~Debtor charged for costs.~~ Each debtor shall be charged for
20 ~~administration expenses~~ a collection fee, and the amounts charged shall be credited
21 to the department's appropriation under s. 20.566 (1) (h). The department may set
22 off amounts charged to the debtor under this subsection against any refund owed to
23 the debtor, in the manner provided in sub. (3). ~~Annually on or before November 1,~~
24 ~~the department shall review its costs incurred during the previous fiscal year in~~

1 ~~administering state agency setoffs and reductions and shall adjust its subsequent~~
2 ~~charges to each debtor to reflect that experience.~~

3 **SECTION 29.** 71.93 (6) of the statutes is repealed.

4 **SECTION 30.** 71.93 (7) (title) of the statutes is repealed.

5 **SECTION 31.** 71.93 (7) of the statutes is renumbered 71.93 (3) (f).

6 **SECTION 32.** 71.93 (8) (title) of the statutes is amended to read:

7 71.93 (8) (title) ~~STATE AGENCY DEBT~~ DEBT COLLECTION AGREEMENTS.

8 **SECTION 33.** 71.93 (8) (a) of the statutes is repealed.

9 **SECTION 34.** 71.93 (8) (b) 1. of the statutes is renumbered 71.93 (8) (am) and
10 amended to read:

11 71.93 (8) (am) Except for debts under sub. (1) (a) 2. and 9. and except as
12 provided in subd. 2. par. (bm), a state agency and the department of revenue shall
13 enter into a written agreement to have the department collect ~~any amount owed to~~
14 ~~the state agency~~ a debt that is more than 90 days past due, unless negotiations
15 between the agency and debtor are actively ongoing, the debt is the subject of legal
16 action or administrative proceedings, or the agency determines that the debtor is
17 adhering to an acceptable payment arrangement. At least 30 days before the
18 department pursues the collection of any debt referred by a state agency, either the
19 department or the agency shall provide the debtor with a written notice that the debt
20 will be referred to the department for collection. Any legal action contesting the
21 validity of a debt shall be brought against the state agency that referred the debt.

22 The department may collect amounts owed, pursuant to the written agreement, from
23 the debtor in addition to offsetting the amounts as provided under sub. (3). The
24 department shall charge each debtor whose debt is subject to collection under this

1 paragraph a collection fee and that amount shall be credited to the appropriation
2 under s. 20.566 (1) (h).

3 **SECTION 35.** 71.93 (8) (b) 2. of the statutes is renumbered 71.93 (8) (bm) and
4 amended to read:

5 71.93 (8) (bm) The department may enter into agreements described under
6 ~~subd. 1. par. (am)~~ with the courts, the legislature, authorities, as defined in s. 16.41
7 (4), and ~~local units of government~~, to collect debt under s. 71.935, municipalities and
8 counties. Any legal action contesting the validity of a debt shall be brought against
9 the unit of government that referred the debt to the department.

10 **SECTION 36.** 71.93 (8) (b) 3. of the statutes is repealed.

11 **SECTION 37.** 71.93 (8) (b) 4. of the statutes is renumbered 71.93 (8) (c).

12 **SECTION 38.** 71.93 (8) (b) 5. of the statutes is renumbered 71.93 (8) (d).

13 **SECTION 39.** 71.93 (8) (b) 6. of the statutes is renumbered 71.93 (8) (e).

14 **SECTION 40.** 71.935 (1) (a) of the statutes is amended to read:

15 71.935 (1) (a) "Debt" means a parking citation of at least \$20 that is unpaid and
16 for which there has been no court appearance by the date specified in the citation or,
17 if no date is specified, that is unpaid for at least 28 days; an unpaid fine, fee,
18 restitution or forfeiture of at least \$20; delinquent general property taxes, as defined
19 in s. 74.01 (1), or a delinquent special assessment, as defined in s. 74.01 (3), special
20 charge, as defined in s. 74.01 (4), or special tax, as defined in s. 74.01 (5), and any
21 interest or penalty charged due to the delinquency; and any other debt that is at least
22 \$20, including debt related to property taxes, if the debt has been reduced to a
23 judgment or the municipality or county to which the debt is owed has provided the
24 debtor reasonable notice and an opportunity to be heard with regard to the debt. For
25 purposes of this subsection, a debt owed to an ambulance service provider operating

1 pursuant to a contract with a municipality or county under s. 59.54 (1), 60.565, 61.64,
2 or 62.133, is considered a debt owed to the municipality or county, if the debt relates
3 to providing ambulance services to individuals in that municipality or county as a
4 result of responding to requests that originate from a government-operated 911 call
5 center.

6 **SECTION 41.** 71.935 (1) (am) of the statutes is repealed.

7 **SECTION 42.** 71.935 (1) (ar) of the statutes is repealed.

8 **SECTION 43.** 71.935 (1) (b) of the statutes is amended to read:

9 71.935 (1) (b) "Debtor" means a person who owes a debt ~~related to victim~~
10 ~~restitution or who owes a debt~~ to a municipality or county.

11 **SECTION 44.** 71.935 (4) (a) of the statutes is repealed and recreated to read:

12 71.935 (4) (a) The department may provide, upon request by a municipality or
13 county, a report that details each active debt subject to this section of the
14 municipality or county, including the ending balance. The department may provide
15 a weekly report to a municipality or county of amounts collected and payments
16 disbursed through electronic funds transfer or state account system general ledger
17 transfer.

18 **SECTION 45.** 71.935 (5) of the statutes is amended to read:

19 71.935 (5) Each debtor shall be charged ~~for administration expenses a~~
20 collection fee, and the amounts charged shall be credited to the appropriation
21 account under s. 20.566 (1) (h). The department may set off amounts charged to the
22 debtor under this subsection against any refund owed to the debtor, in the manner
23 provided in sub. (3). ~~Annually on or before November 1, the department shall review~~
24 ~~its costs incurred during the previous fiscal year in administering setoffs and~~

1 reductions under this section and shall adjust its subsequent charges to each debtor
2 to reflect that experience.

3 **SECTION 46.** 73.03 (67) of the statutes is amended to read:

4 73.03 (67) To submit a request for a supplement under s. 16.515 for
5 administering the debt collection program under s. 71.93 (8) (b) that includes a
6 detailed plan for implementing the program, a listing of agencies and other entities
7 that would participate in the program, an estimate of the amount of debt collections
8 under the program, and the fees that the debtors would pay under the program.

9 **SECTION 47.** 77.59 (5) of the statutes is amended to read:

10 77.59 (5) The department may offset the amount of any refund for a period,
11 together with interest on the refund, against deficiencies for another period, and
12 against penalties and interest on the deficiencies, or against any amount of whatever
13 kind, due and owing on the books of the department from the person who is entitled
14 to the refund. If the refund is to be paid to a buyer, the department may also set off
15 amounts in the manner in which it sets off income tax and franchise tax refunds
16 under s. 71.93 and may set off amounts for child support or maintenance or both in
17 the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3), (6) and
18 (7). No person has any right to, or interest in, any refund under this chapter until
19 setoff under ss. 49.855, 71.93, and 71.935 has been completed.

20 **SECTION 48.** 806.11 (1) (intro.) of the statutes is amended to read:

21 806.11 (1) (intro.) At the time of filing the warrant provided by s. 71.74 (14),
22 71.91 (5), or 71.93 (8) (b) 5. (d), the clerk of circuit court shall enter the warrant in
23 the judgment and lien docket, including:

24 **SECTION 49.** 806.11 (2) of the statutes is amended to read:

1 806.11 (2) If a warrant provided by s. 71.74 (14), 71.91 (5), or 71.93 (8) ~~(b) 5.~~ (d)
2 is against several persons, the warrant shall be entered, in accordance with the
3 procedure under sub. (1), in the judgment and lien docket under the name of each
4 person against whom the warrant was issued.

5 **SECTION 50.** 806.115 of the statutes is amended to read:

6 **806.115 Filing of duplicate copy of warrant.** The department of revenue
7 may file in any county a duplicate copy of a warrant filed under s. 71.74 (14), 71.91
8 (5), or 71.93 (8) ~~(b) 5.~~ (d) and the clerk of circuit court shall enter the duplicate copy
9 on the judgment and lien docket as provided in s. 806.11. When so entered, the
10 duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

11 **SECTION 51.** 973.20 (1r) of the statutes is amended to read:

12 **973.20 (1r)** When imposing sentence or ordering probation for any crime, other
13 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
14 (am) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition
15 to any other penalty authorized by law, shall order the defendant to make full or
16 partial restitution under this section to any victim of a crime considered at
17 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
18 substantial reason not to do so and states the reason on the record. When imposing
19 sentence or ordering probation for a crime involving conduct that constitutes
20 domestic abuse under s. 813.12 (1) (am) or 968.075 (1) (a) for which the defendant was
21 convicted or that was considered at sentencing, the court, in addition to any other
22 penalty authorized by law, shall order the defendant to make full or partial
23 restitution under this section to any victim of a crime or, if the victim is deceased, to
24 his or her estate, unless the court finds that imposing full or partial restitution will
25 create an undue hardship on the defendant or victim and describes the undue

1 hardship on the record. Restitution ordered under this section is a condition of
2 probation, extended supervision, or parole served by the defendant for a crime for
3 which the defendant was convicted. After the termination of probation, extended
4 supervision, or parole, or if the defendant is not placed on probation, extended
5 supervision, or parole, restitution ordered under this section is enforceable in the
6 same manner as a judgment in a civil action by the victim named in the order to
7 receive restitution or enforced under ch. 785, and the department or clerk of court
8 may certify the restitution to the department of revenue in accordance with s. 71.93.

9 (END)