

State Debt Collection Agreement

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Introduction

This agreement between the _____, (hereafter referred to as "agency") and the Wisconsin Department of Revenue (hereafter referred to as "department") will set forth the requirements and expectations of both agencies relating to the department providing debt collection services for the agency under the provisions of s. 71.93 (8), Wis. Stats.

Statutory Authority

The department is authorized pursuant to the provisions of s. 71.93(8), Wis. Stats., to enter into a written agreement to have the department collect any amount owed to the state agency.

Duties of the Agency

1. Unless stated and agreed to separately, debt sent to the department for collection ~~must be greater than \$50.00, and shall be reduced to a judgment prior to referral of the debt,~~ unless the agency has provided the debtor with reasonable notice and an opportunity to be heard with regard to the debt.
2. The agency shall send unpaid debt to the department for collection when the debt is more than 90 days past due, unless the agency is negotiating a repayment agreement with the debtor, the debtor has filed bankruptcy, the debtor has objected to the basis of the debt and the agency is responding to the objection, or the agency has negotiated a waiver of the time period or debt type from the Secretary of the department.
3. ~~At least 30 days prior to referral of the debt to the department, the agency shall send notice to the debtor of the agency's intention to refer the debt to the department for collection.~~ The notice must state the nature and amount of the debt, identify the agency to whom the debt is owed, advise the debtor that collection costs will be assessed once the debt is referred to the department, and inform the debtor of the debtor's right to appeal. Any appeal periods will have expired and all disputes resolved prior to referral of debt to the department.
4. The agency will send the following file updates in an electronic format:
 - a. New Debts: The agency will furnish information using the department's prescribed file layout. Each debtor will have a unique agency identifier and each debt will have an agency debt number. If a judgment or lien against the debtor was entered, the agency shall provide the lien number, county where the judgment or lien is filed, the names on the judgment or lien, the docket or filing number, and the amount of the judgment or lien.
 - b. Debt Updates: Any non-monetary updates to the debt amount or recall of the debt must be transmitted to the department, using the department's prescribed file layout, within 24 hours of receipt. Changes to the balance may include estimated assessments replaced by actual information, debts reduced by compromise agreement, or administrative adjustments. Any payments must be remitted to the department for posting to the department's collection case. The agency is responsible for refunding the collection fee to the debtor, if appropriate, on recalled debts.

5. The agency agrees to adjust to zero any debts certified to the department's agency setoff system either through the TRIP application, state agency mainframe or CCAP. Through this agreement, the department will offset refunds to the agency's debts through the department's collection system.
6. Once debt is referred to the department for collection, the agency will discontinue billing statements, demand letters, and active collection efforts. The agency will direct all debtor calls or requests regarding collection of the debt to the department.
7. Once a debt is referred to the department for collection, the agency will forward any payments received to the department for processing. Department collection costs must be paid even if the debtor sends full payment of the debt to the agency.
8. If the debt is compromised or settled, the agency will contact the department to determine the amount of the department's collection costs that must be remitted to the department. The agency will be responsible for any department collection costs remaining when the agency fails to consider department collection costs when accepting payments from the debtor or compromising debt.
9. The agency will not re-refer debts that have been recalled by the agency or closed and returned by the department with the exception of closed bankruptcy cases and resolved disputes.
10. Correspondence and telephone inquiries received that relate to the validity of the debt will be forwarded to the agency for a timely response. The agency will have resources available to assist debtors and department collectors with debt-related issues.
11. If the agency fails to provide accurate and timely updates to the debt and the result is an overpayment of the debt, the debt will be returned to the agency for a refund to the debtor. The agency will refund the debtor the amount of overpayment received plus the department collection costs, if appropriate.
12. If a payment or refund setoff has been posted to a debt and it is later determined that the payment or refund setoff was in excess of the debt owed to the agency, it will be the agency's responsibility to refund such excess to the debtor. If at the time of payment or refund setoff, the debtor had a debt with the agency but the agency did not adjust the debt to zero, it is the agency's responsibility to refund the administrative fee to the debtor.
13. Payments and refund setoffs that occur because of erroneous identification information provided by the agency may be corrected by the department and it is the agency's responsibility to pay any collection fees or amounts involved may be reversed.
14. The agency shall be responsible and liable for any claims or lawsuits made against the department arising from collection of a debt that is alleged to be incorrect or not owed by the debtor.
15. The agency agrees to maintain the confidentiality of all accounts, correspondence, documents and any other related information, which may be obtained from or furnished by the department. If a third party is used by the agency to manage the debts referred to the department, the third party must sign an agreement with the department and will be bound by the same confidentiality requirements. Any unauthorized use or disclosure of such

information, or inadequate procedures for safeguarding the confidentiality of such information, constitutes grounds for immediate termination of this agreement.

16. The agency will review reports transmitted, reconcile accounts and notify the department within 60 days of any discrepancies.
17. The agency will have technical staff available to maintain electronic file layouts, electronic reports, and other requirements as needed. Agency and department contact information will be periodically updated.
18. The agency and the department can agree to other collection services, such as sending notices, providing the opportunity to be heard, and filing and managing bankruptcy claims.

Duties of the Department

1. The department will take all reasonable and cost-effective actions to collect referred debts. Collection efforts may include, but are not limited to:
 - a. Identify assets available for satisfaction of debts
 - b. Send demand letters
 - c. Subpoena records
 - d. Setoff refunds
 - e. Negotiate and monitor payment plans
 - f. Enter into compromise agreements
 - g. File liens when appropriate
 - h. Levy assets
 - i. Certify wages
2. The secretary of revenue may waive the referral of certain types of debts.
3. The department shall collect debts and assess interest in the same manner that it collects taxes and assesses interest under ss. 71.82(2), 71.91, 71.92, and 73.03 (20), Wis. Stats.
4. The department will add an administrative fee to each debt referred for collection. The administrative fee will be reviewed periodically and adjusted up or down to cover all costs to the department to administer this program.
5. The department will apply payments made on delinquencies first in discharging costs, then penalties and interest, with the balance applied to principal. Once a payment or refund setoff has been posted, the agency will be notified of such postings.
6. The department will collect against debtors who owe multiple debts to various state entities. Proceeds collected will apply first to debts owed to the department, then to debts owed to state agencies, including the courts and the Legislature, in the order that the debts were referred, then to debts owed to authorities and local units of government in the order that the debts were referred.
7. The department will send a Statement of Account to the debtor monthly as long as there is account activity, such as a payment or credit to the account. If there is no recent activity, a

Statement of Account will be sent at least once every 6 months. Delinquent interest will be added to the account monthly.

8. The department may suspend collection action on an agency account temporarily if the debtor raises concerns that need to be addressed by the agency, such as the validity of the debt or whether the debt was previously paid. The debtor will be advised that they must contact the agency, and department collection action will resume in 30 days unless the agency contacts the department to request additional time or to recall the debt.
9. If a payment, refund, or refundable credit is determined to be in error or is otherwise adjusted after posting to an agency debt, the department may reverse the credit with that agency.
10. The department will close out any debt with balance that falls below \$20.00 and return the debt to the agency as too small to pursue.
11. The department will pursue debt collection for a period of 5 years. Any debt that has not been collected within 5 years or any debt that has been determined to be uncollectible will be closed out and returned to the agency.
12. The department will suspend collection action on debts if the debtor files bankruptcy. It will be the agency's responsibility to pursue a bankruptcy claim, if appropriate. The agency has the right to recall a debt when a bankruptcy has been filed if they wish to pursue separately.
13. The department will send the following update files:
 - a. Debt Response File - The department will edit and compare debtor information to the department's "history file" to determine correctness. Notification will be given to the agency whether such data was accepted or rejected in the same medium as originally submitted by the agency. If the data is accepted by the department, the department will transmit the debt number for each debt accepted to the agency.
 - b. Transaction File - The department will post transactions to the debtor's account daily. On a monthly basis an update file will be transmitted to the agency.
 - c. Return Debt File - On a quarterly basis the department will notify the agency of any collection cases that have been determined as uncollectible. For any returned debt the department will indicate whether a lien was filed, the docket date of the lien, the docket number and where it was filed.
 - d. Performance Analysis Report will be made available upon agency request.
14. Monthly, remittances will be posted to the agency's WISMART account or through electronic funds transfer (EFT) to the agency's bank account.
15. The department will have collectors available to assist debtors and the agency staff with debt-related issues. The department will resolve any debtor disputes pertaining only to the department's collection process and any collections taken by the department.
16. The department will have technical staff available to create and maintain electronic file layouts, electronic reports, and other requirements as needed. Agency and department contact information will be periodically updated.

17. The Secretary of Revenue shall be the final authority in the resolution of any interagency disputes in regard to referral of debts.
18. The department and the agency can agree to other collection services, such as sending notices, providing the opportunity to be heard, and filing and managing bankruptcy claims.

Legal Requirements

This agreement is effective upon the signing below of the agency's and department's representatives. Amendments mutually agreed to by authorized representatives of the agency and the department shall become effective when signed and dated as an ADDENDUM to this agreement. The terms of the agreement may be renegotiated upon 60 days notice by either party.

Wisconsin Department of Revenue:

By: _____

Dated: _____

Agency: _____

By: _____

Dated: _____

Appendix 6: Implementation Plan

1. Agency Name: _____
2. Are you a current user of the Tax Refund Intercept Program (TRIP)? ☐ Yes ☐ No
 - a. If yes, please provide your six digit agency ID: _____
3. How do you plan on submitting debts to DOR?
☐ Online - My Tax Account (MTA) Please provide MTA Login ID: _____
☐ File Transfer (SFTP) Please provide WAMS Login ID: _____
4. How should DOR deposit proceeds collected on your behalf?
☐ WISMART Transfer – required if you use the state central bank **(state agencies)**

WISMART Accounting String:

FUND AGENCY
ORG CODE APPR
REVENUE SOURCE CODE OR BALANCE SHEET ACCOUNT
SUB REV ACTIVITY CODE

- ☐ Bank Account ACH transfer **(All other agencies)**

☐ Checking ☐ Savings

Bank Account Number

Bank Routing Number (9 digits)

5. What is your projected implementation date?
