



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Senate Bill 373**

**Senate Amendment 1**

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*Under current law*, the Department of Revenue (DOR) may collect certain debts for a county or municipality by subtracting the amount of the debt from any tax refund owed to the debtor. In order for DOR to collect a debt, the county or municipality must certify that the debt is at least \$20 and that the debt has been reduced to a judgment or the county or municipality has provided the debtor reasonable notice and an opportunity to be heard.

Generally, **2007 Senate Bill 373** permits an ambulance service provider to certify debts to DOR for set-off against any tax refund owned to the debtor. The bill prescribes certain practices regarding the set-off of debt including:

- Priority of certified debts. Under the bill, DOR shall set off a debt owed to an ambulance service provider after the set-offs under ss. 71.93 and 71.935, Stats.
- Notice to a debtor. Under the bill, an ambulance service provider shall, within five days, notify the debtor of its certification of debt, the basis of the certification, and the debtor's right to appeal.

**Senate Amendment 1** specifies that a debt must be at least \$20 in order to be certified to DOR. The amendment also makes a technical modification to the types of debts eligible for certification by ambulance service providers. Additionally, the amendment modifies the notice and certification requirements of the bill. Under the amendment, an ambulance service provider shall, at least 30 days prior to certification, provide notice to the debtor of the provider's intent to certify the debt. Prior to certification, the debt must be reduced to a judgment or the provider must provide the debtor reasonable notice and an opportunity to be heard with regard to the debt.

The amendment also requires an ambulance service provider to enter into a written agreement with DOR prior to any certification of debt and specifies that the debt of an indigent debtor may not be certified.

**Legislative History**

The Senate Committee on Tax Fairness and Family Prosperity offered Senate Amendment 1 on February 20, 2008.

The committee adopted Senate Amendment 1 by a vote of Ayes, 5; Noes, 0; and recommended passage of Senate Bill 373, as amended, by a vote of Ayes, 5; Noes, 0; on February 20, 2008.

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