

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3247/P6dn
JTK:wlj:km

September 23, 1999

1. In proposed s. 108.02 (12) (bm) (intro.), the period ending on the last day of the third year beginning after the effective date would give us a four-year period, which I understand is consistent with your intent. I don't know how many people are going to be reading this, but if you think it's less confusing, we could say "the 4-year period beginning on the effective date of this subsection [revisor inserts date]". This language does not refer to an ending date, which is likely to be the key information one wants, but it can be easily deduced.

2. Concerning the analysis to proposed s. 108.04 (7) (cm), relating to voluntary terminations resulting from shift transfers, the text now reads "...the employe's most recent period of employment". The analysis therefore appears to match the text. I did raise an issue concerning whether you wanted to change the text since the preceding line of the text refers to "work", which includes both covered and uncovered work.

3. Your proposed changes to s. 108.04 (7) (s) 2., relating to evidence of domestic abuse, etc., struck me as taking a few steps backwards. In comparing the two versions of this text, I was unable to perceive a significant substantive difference. The proposed changes seem to introduce some syntactic awkwardness and redundancy and also to fuzz the issue of where the evidence is coming from. I assume the department would still act on the basis of records or statements. I have deferred treatment of this item until we can discuss what's going on substantively here.

4. Currently, the statutes are inconsistent in the usage of "erroneous payment" and "overpayment". In LRB-3247/P5, I standardized most references to refer to "erroneous payment" since ss. 108.04 (13) (d), (e) and (f) and 108.22 (8) (a) and (c) 1. (intro.), stats. refer to benefits that are erroneously paid. This draft reverses these changes and makes other changes to standardize references to refer to "overpayments", including the references in s. 108.09 (9) (c), stats.

5. This draft also revises the initial applicability for proposed s. 108.04 (7) (cm) to match the initial applicability for proposed s. 108.04 (7) (b), (h), (i) and (s), which I assume is in accord with your intent.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778