

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0586/4dn
GMM:jld:rs

March 9, 2009

Attorney Edmondson:

This redraft notwithstanding s. 102.26 (2) rather than DWD 80.43 (2) or “any other provision to the contrary” because:

1. Section 102.26 (2) caps the fee for an undisputed claim at *10 percent* of the amount awarded while this draft requires *20 percent* of the amount of reimbursement to a governmental unit to be awarded to the attorney who collected the reimbursement. Therefore, there could be a conflict if that 20 percent were deemed to be part of the attorney's fee for an undisputed claim.
2. The statutes override the administrative code, so if there is a conflict between this draft and DWD 80.43 (2), DWD would have to amend DWD 80.43 (2) through the administrative rule-making process to conform the code to the statutes.
3. Joint Rule 52 (6), which provides that “all parts of the statutes and of other laws that are intended to be superseded or repealed should be specifically referred to, so far as practicable, and expressly superseded or repealed,” prohibits us from drafting vague references such as “notwithstanding any provision to the contrary.”

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