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CLEARINGHOUSE RULE 01-018

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the rule, the title to s. HA 2.01 should not be shown. The title to s. HA 2.01 (2) should be in solid capital letters. [See s. 1.05 (3) (c) and (2) (c), Manual, respectively.]

b. In SECTIONS 2 to 6, the full rule citation should precede the text. For example, in SECTION 2, “HA 2.02” should precede “(8)”.

c. An entire rule subunit that is being created should not be underscored. See SECTIONS 3 and 6.

5. Clarity, Grammar, Punctuation and Use of Plain Language

SECTION 6 of Clearinghouse Rule 01-018 creates s. HA 2.05 (7) (f) and (g). The new language requires an administrative law judge to apply the criteria in s. HA 2.06 (6) (b) when revoking a period of extended supervision. However, s. HA 2.06 (6) (b) relates to the criteria that an administrative law judge should consider in determining the amount of good time forfeited or the period of reincarceration. Additionally, the specific criteria set forth in s. HA 2.06 (6) (b) 3. refer to “conduct and behavior while on parole.”

Although an administrative law judge will probably understand what is expected by the cross-reference to s. HA 2.06 (6) (b), either that provision should be revised to specifically encompass the “extended supervision” terminology associated with 1999 Act 283, relating to “truth-in-sentencing”, or the criteria should be listed in s. HA 2.05 (7) (f) and (g).