



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-093

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.]

1. Statutory Authority

a. Under s. 304.073 (2), Stats., for an offender on administrative or minimum supervision, the department must charge the offender a fee that is sufficient to cover the cost of the offender’s supervision. Other offenders on supervision are required to pay a fee that is based on the offender’s ability to pay in order to partially reimburse the costs of supervision. [s. 304.074 (2), Stats.] The proposed rule eliminates this distinction and requires all offenders on supervision to pay a fee that is based upon their gross income. How does this change meet the current statutory fee requirements for offenders on administrative or minimum supervision?

4. Adequacy of References to Related Statutes, Rules and Forms

In the analysis, Assembly Bill 1 should be referred to as 2002 January Special Session Assembly Bill 1.

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

a. In current s. DOC 328.045 (2) (a), “fee” is bracketed. This could be corrected in the proposed rule.

b. In Table DOC 328.045, “800.00” could be replaced with “799.99” and “801.00” could be replaced with “800.00” so that the income guidelines are more specific. If this change is made, it should also be made for the next income level.