



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-049

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause should follow the format in s. 1.02 (1), Manual, and should read as follows: “The State of Wisconsin Public Defender Board (SPD) proposes an order to amend PD 3.02 (1), 6.01, and 6.02 (1), relating to the cost of retained counsel, payment for legal representation, and discount option.”

b. The section titles in ss. PD 3.02, 6.01, and 6.02 should be bolded. [s. 1.05 (2) (b), Manual.]

c. The agency should review the proposed rule to ensure that it accurately reflects the current text of the rule provisions. In s. PD 3.02 (1), the schedule amount for ch. 980 post-commitment should be \$3,500 (not \$3,000). In s. PD 6.01, “reimburse the state public defender for” should be replaced with “contribute to”. In s. PD 6.02 (1), “prepay” should be replaced with “pay”, and “prepayment fee” should be removed.

d. In s. PD 6.01, the parentheses for “Chapter 51” should not be underscored. [s. 1.06 (1), Manual.]

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

a. In the Plain Language Analysis, the agency provides a brief explanation of the rule. It refers to the case category “felony diversion” but does not explain what this means. The agency should provide a brief explanation of what these cases include so that the reader understands to which criminal defendants the fee change would apply.

b. The agency should include an initial applicability section to clarify to which cases the fee changes first apply. [s. 1.02 (3m), Manual.]