

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
- 97hr_JCR-AR_ES_pt11c
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

JCRAR EXECUTIVE
SESSION 11/20/97

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

September 8, 1997

Ben Brancel, Speaker
Wisconsin State Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Fred Risser, President
Wisconsin State Senate
Room 102,
119 Martin Luther King Blvd.
Madison, Wisconsin 53702

Re: Clearinghouse Rule 97-095
An order to create DOC 304, Relating to the Inmate Secure Work Program

Gentlemen:

As provided in s. 227.19 (2), Stats., notice is given that the above-mentioned rule is in final draft form. This notice and the report required under s. 227.19 (2) and (3), Stats., are submitted in triplicate.

The rule was submitted to the Legislative Council for review under s. 227.15, Stats. A copy of the Council's report is also enclosed.

If you have any questions about the rule, please contact Deborah Rychlowski at (608) 266-8426.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan
Secretary

Enclosures

cc: Gary Poulson, Deputy Revisor of Statutes
Senator Richard Grobschmidt, JCRAR
Representative Glenn S. Grothman, JCRAR

Tommy G. Thompson
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Michael J. Sullivan
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REPRESENTATIVE ROBERT G. GOETSCH

Department of Corrections

CHAIR, ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

October 16, 1997

Michael Sullivan, Secretary
Department of Corrections
3rd Floor, 149 E. Wilson Street
HAND-DELIVER

RE: Clearinghouse Rule 97-030, Relating to the placement of inmates in observation status for mental or medical health reasons;
Clearinghouse Rule 97-095, Relating to the inmate secure work program

Dear Secretary Sullivan,

I am writing to request a meeting with the Department of Corrections concerning CR 97-030, relating to the placement of inmates in observation status for mental or medical health reasons and CR 97-095, relating to the inmate secure work program. On September 16, 1997, those rules were referred to the Criminal Justice and Corrections Committee for its review.

Representative Wood and I have numerous concerns about those rules as they currently are drafted. Prior to my requested meeting regarding the proposed rules, I will enumerate those concerns for your staff as best I can.

By notice of this request for a meeting on CR 96-030 and CR 97-095, the Committee's review period for those rules is extended to November 15, 1997. Before that time, my legislative assistant, Kent Vernon, will contact your staff in order to arrange a specific time for us to meet.

Thank you for acknowledging my concerns in these matters.

Sincerely,

ROBERT G. GOETSCH, Chairman
Criminal Justice and Corrections Committee

cc: Rep. Wood, Deborah Rychlowski, Bob Margolies, Shaun Haas

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON
MADISON, WI 53707
(608) 266-7505



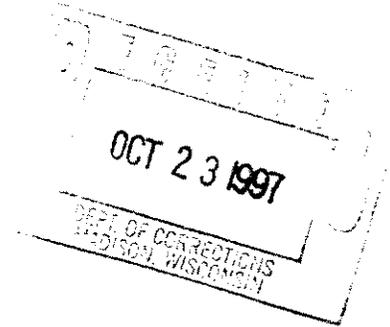
REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL
MADISON, WI 53702
(608) 264-8486

October 20, 1997

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Michael J. Sullivan, Secretary
Department of Corrections
P.O. Box 7925
Madison, WI 53707-7925



Dear Secretary Sullivan:

We are writing to inform you that the Joint Committee for Review of Administrative Rules met in executive session on October 16, 1997 and adopted the following motions:

"Moved by Senator Welch and seconded by Senator Potter that the JCRAR extend the effective date of the emergency rule of the Department of Corrections relating to sex offender registration for a period of 60 days."

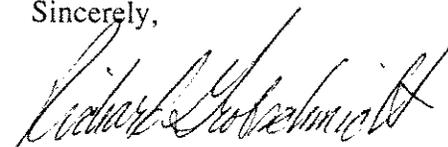
and,

"Moved by Senator Welch and seconded by Senator Potter that the JCRAR extend the effective date of the emergency rule of the Department of Corrections relating to secure work crews for a period of 60 days."

Both motions carried by a vote of eight in favor, none against, and two members absent.

Pursuant to s. 227.24(2)(c), we are notifying the Secretary of State, and the Revisor of Statutes, of the committee's action through copies of this letter.

Sincerely,


RICHARD GROBSCHMIDT
Senate Co-Chair


GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:js

cc: Secretary of State La Follette
Gary Poulson, Asst. Revisor of Statutes

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



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State of Wisconsin Department of Corrections

November 12, 1997

Senator Richard Grobschmidt
Joint Committee for Review of Administrative Rules
Room 404, 100 N. Hamilton Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

Re: Clearinghouse Rule 97-095, Relating to the inmate secure work program

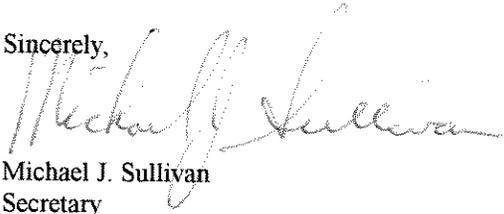
Dear Senator Grobschmidt and Representative Grothman:

The Department of Corrections has an emergency rule which will expire on December 26, 1997, before it can be replaced by a permanent rule. The emergency rule was initially scheduled to expire on October 28, 1997. On October 20, the Joint Committee for Review of Administrative Rules extended the effective date of this emergency rule for a period of 60 days. Pursuant to s. 227.24 (2), Stats., I ask the Joint Committee to extend the emergency rule creating DOC 304 by an additional 60 days.

This emergency rule is required to provide for the establishment of secure work crews. The Department of Corrections has proposed a permanent rule to provide for secure work crews. The Department submitted a scope statement on May 30, 1997, a copy of which is enclosed. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on June 26, 1997, copies of which are enclosed. The Department received the report from the Administrative Rules Clearinghouse on July 17, 1997. On July 25, 1997, the Department scheduled this rule for hearings on August 25, August 28, and August 29, 1997, a copy of the notice of hearing is enclosed. All three hearings were held. The open comment period for written comments extended to September 5, 1997. The Department submitted this rule in final draft form to the legislature on September 8, 1997, a copy of the cover letter is enclosed. On September 16, 1997, this rule was referred to the Criminal Justice and Corrections Committee for its review. By letter dated October 16, 1997, the Committee requested a meeting with the Department on this rule and extended its review period to November 15, 1997. A copy of this letter is also enclosed. The Department will not be able to promulgate the permanent rule before the emergency rule expires on December 26, 1997.

Copies of the order creating the emergency rule and the proposed order creating a permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in dark ink and is positioned above the printed name and title.

Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

NOV 18 1997

Tommy G. Thompson
Governor

Michael J. Sullivan
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State of Wisconsin Department of Corrections

November 12, 1997

Senator Richard Grobschmidt
Joint Committee for Review of Administrative Rules
Room 404, 100 N. Hamilton Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

Re: Clearinghouse Rule 97-106, Relating to the inmate complaint review system

Dear Senator Grobschmidt and Representative Grothman:

The Department of Corrections has an emergency rule which will expire on January 2, 1998, before it can be replaced by a permanent rule. Pursuant to s. 227.24 (2), Stats., I ask the Joint Committee to extend the emergency rule amending DOC 310 by 60 days.

This emergency rule is required to provide for necessary changes in the inmate complaint review system. The Department of Corrections has proposed a permanent rule to provide for changes in the inmate complaint review system. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on July 30, 1997, a copy of which is enclosed. The Department received the report from the Administrative Rules Clearinghouse on August 27, 1997. On September 15, 1997, the Department scheduled this rule for hearings on October 15, October 16 and October 17, 1997, a copy of the notice of hearing is enclosed. All three hearings were held. The open comment period for written comments extended to October 21, 1997. The Department will not be able to promulgate the permanent rule before the emergency rule expires on January 2, 1998.

Copies of the order creating the emergency rule and the proposed order creating a permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

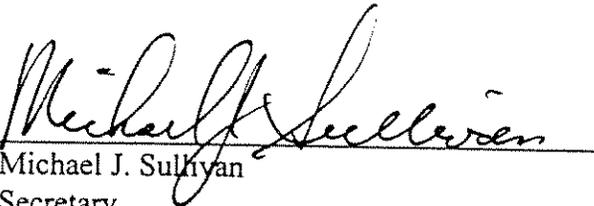
STATE OF WISCONSIN)
) SS
DEPARTMENT OF CORRECTIONS)

I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed emergency rules, relating to the inmate complaint review system, were duly approved and adopted by the Department on August 4, 1997.

I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the official seal of the
Department of Corrections
149 E. Wilson Street in the City of
Madison, this 4th day of August, 1997.

SEAL


Michael J. Sullivan
Secretary

ORDER OF THE
DEPARTMENT OF CORRECTIONS
ADOPTING RULES

FINDING OF EMERGENCY

The Department of Corrections finds an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety and welfare. A statement of the facts constituting the emergency is:

There is a Corrections Complaint Examiner with two investigator positions and a program assistant position at the Department of Justice. The number and placement of these Corrections Complaint Examiner positions have been in effect for years. At the present time there is a substantial backlog of approximately 3,000 inmate complaints which need to be reviewed by the Corrections Complaint Examiner. The Department of Justice's position is that it will no longer do the Corrections Complaint Examiner function.

The Department must change its administrative rule to reflect the placement of the Corrections Complaint Examiner function from the Department of Justice to the Department of Corrections. The Department must also change its administrative rule regarding inmate complaints to make the system more efficient as a substantial backlog now exists, and there will be no new positions at the Department of Corrections to do the work of the Corrections Complaint Examiner.

The Department's purpose in the inmate complaint review system is to afford inmates a process by which grievances may be expeditiously raised, investigated, and decided. An efficient inmate complaint review system is required for the morale of the inmates and the orderly functioning of the institutions. An emergency exists due to the current backlog and the proposed moving of the function which will require the Department of Corrections to do the work of the Corrections Complaint Examiners with no new positions.

The Wisconsin department of corrections proposes an order to repeal DOC 310.125 (intro.), 310.025 (6), 310.125 (7), 310.03 (5), 310.04 (2) (a), 310.04 (3) (a), 310.04 (3) (b), 310.04 (3) (c), 310.04 (3) (d), 310.06 (3), 310.06 (4), 310.08 (title), 310.08

(1), 310.08 (2), 310.09 (7), 310.09 (8), 310.09 (9), 310.12 (1), 310.13 (7), and 310.14 (3); to renumber and amend 310.01 (2) (b), 310.01 (2) (c), 310.01 (2) (d), 310.01 (2) (e), 310.01 (2) (f), 310.01 (2) (g), 310.015, 310.02 (2), 310.02 (3), 310.02 (4), 310.02 (5), 310.02 (6), 310.02 (8), 310.02 (9), 310.02 (10), 310.025 (title), 310.025 (1), 310.025 (2), 310.0125 (2) (a), 310.025 (2) (b), 310.025 (2) (c), 310.025 (3), 310.025 (4), 310.025 (5), 310.03 (title), 310.03 (1), 310.03 (2), 310.03 (3), 310.03 (4), 310.04 (title), 310.04 (1), 310.04 (2), 310.08 (2) (a), 310.04 (2) (c), 310.04 (2) (d), 310.04 (2) (e), 310.04 (3), 310.04 (5), 310.05 (1), 310.05 (2), 310.05 (3), 310.05 (4), 310.05 (5), 310.05 (6), 310.06 (2), 310.06 (5), 310.06 (6), 310.07 (1), 310.07 (2), 310.07 (3), 310.07 (4), 310.07 (5), 310.07 (6), 310.07 (7), 310.07 (8), 310.09 (title), 310.09 (1), 310.09 (2), 310.09 (4), 310.09 (10), 310.09 (11), 310.10 (1), 310.10 (2), 310.10 (2) (b), 310.10 (2) (c), 310.12 (2), 310.12 (3), 310.12 (4) 310.13 (1), 310.13 (2), 310.13 (5), 310.13 (6), 310.14 (1), and 310.14 (2); renumber 310.02 (intro.), 310.02 (1), 310.02 (7), 310.025 (title), 310.04 (2) (b), 310.05 (title), 310.06 (title), 310.06(1), 310.07 (title), 310.09 (3), 310.09 (5), 310.09 (6), 310.10 (title), 310.10 (2) (a), 310.10 (3), 310.12 (title), 310.13 (3), 310.13 (4), 310.14 (title), 310.14 (a), 310.14 (b), 310.14 (c), and 310.14 (d); amend 310.01 (2), 310.01 (2) (a), and 310.02; and create 310.01 (2) (b), 310.03 (2), 310.03 (3), 310.03 (5), 310.03 (9), 310.03 (10), 310.03 (13), 310.03 (14), 310.03 (15), 310.03 (17), 310.06 (2) (b), 310.06 (2) (c), 310.06 (6), 310.08 (2) (a), 310.08 (2) (f), 310.08 (4), 310.08 (4) (a), 310.08 (4) (b), 310.08 (4) (c), 310.05, 310.10 (3), 310.11 (4), 310.11 (4) (a), 310.11 (4) (b), 310.11 (4) (c), 310.11 (5), 310.11 (11), 310.12 (title), 310.12 (1), 310.12 (2), 310.12 (2) (a), 310.12 (2) (b), 310.12 (2) (c), 310.12 (2) (d), 310.12 (2) (e), 310.12 (3), 310.13 (4), 310.14 (2) (d), 310.15 (1), 310.15 (2), 310.18, and 310.19, relating to the inmate complaint review system.

Statutory authority: ss. 301.02(2), 301.03(2), and 227.11(2), Stats.

Statutes interpreted: ss. 301.02 and 301.03, Stats.

Analysis Prepared by the Department of Corrections

The department provides an administrative process by which inmates may raise grievances concerning rules, living conditions, and staff actions affecting inmates' institution living. This rule updates the department's current rule.

This proposed rule eliminates redundant and confusing language, simplifies and clarifies some language, and uses current terminology.

This rule reflects the statutory requirement that requires inmates to exhaust their administrative remedies before commencing a civil action.

This rule uses the term "significant" to modify the "issues" to establish a more administratively efficient inmate complaint review system. This rule requires the institution complaint examiner to dismiss frivolous complaints. This rule permits inmates to appeal the dismissal of a frivolous complaint to the appropriate reviewing authority. This rule prohibits the corrections complaint examiner from reviewing complaints dismissed as frivolous.

This rule permits the institution complaint examiner to accept late complaints for good cause.

This rule requires the written complaint procedure to be readily available to all inmates. It requires inmates to receive written notification and an oral explanation of the complaint procedures. It requires appropriate provisions to be made for non-English speaking, impaired or handicapped inmates.

This rule limits the number of complaints that an inmate may file to 2 complaints in a calendar week unless the institution complaint examiner finds that good cause exists to allow the inmate to file more than 2 complaints in the calendar week.

This rule expands some time lines by changing calendar days to working days. This rule requires the secretary to make a decision on the complaint within 10 calendar days instead of 5 calendar days. This rule permits the time lines to be extended for cause and upon notice to the inmate or all interested parties involved.

This rule permits persons other than the warden to review and make decisions regarding an inmate complaint.

This rule permits a complaint to be filed directly with the reviewing authority if the institution complaint examiner determines that the normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm.

This rule removes language that permitted the corrections complaint examiner to order an evidentiary hearing.

This rule prohibits inmate participation in the resolution of another inmate's complaint if the complainant objects.

This rule prohibits any inmate or employee who appears to be involved in the matter from deciding the resolution of the complaint.

This rule prohibits any reprisal against an inmate for participation in the complaint procedure.

This rule requires all records of an inmate complaint to be kept for at least 3 years after disposition of the complaint.

This rule permits the secretary to suspend these rules in an emergency.

Chapter DOC 310

COMPLAINT PROCEDURES

- DOC 310.01 Purpose
- DOC 310.02 Applicability
- DOC 310.03 Definitions
- DOC 310.04 Exhaustion of administrative remedies
- DOC 310.05 Communication of procedures
- DOC 310.06 Organization of inmate complaint review system
- DOC 310.07 Inmate complaint review system
- DOC 310.08 Scope of complaint review system
- DOC 310.09 Filing of complaints
- DOC 310.10 Group Complaints
- DOC 310.00 Processing complaints at the institution level
- DOC 310.12 Appropriate reviewing authority
- DOC 310.13 Review by corrections complaint examiner
- DOC 310.14 Secretary's decision
- DOC 310.15 Implementation of affirmed complaint
- DOC 310.16 Confidentiality
- DOC 310.17 Reports
- DOC 310.18 Preservation of records
- DOC 310.19 Suspension of provisions of this chapter

SECTION 1. DOC 310.01 (2) and 310.01 (2) (a) are amended to read:

DOC 310.01 (2) The objectives of the inmate complaint review system are the following:

(a) To allow inmates to raise, in an orderly fashion, ~~questions~~ significant issues regarding rules, living conditions, and staff actions affecting institution ~~living~~ environment.

SECTION 2. DOC 310.01 (2) (b) is renumbered DOC 310.01 (2) (c) and is amended to read:

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



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Telephone (608) 266-2471

State of Wisconsin Department of Corrections

November 12, 1997

DOC
304

Senator Richard Grobschmidt
Joint Committee for Review of Administrative Rules
Room 404, 100 N. Hamilton Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

Re: Clearinghouse Rule 97-095, Relating to the inmate secure work program

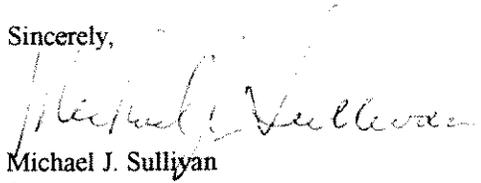
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This emergency rule is required to provide for the establishment of secure work crews. The Department of Corrections has proposed a permanent rule to provide for secure work crews. The Department submitted a scope statement on May 30, 1997, a copy of which is enclosed. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on June 26, 1997, copies of which are enclosed. The Department received the report from the Administrative Rules Clearinghouse on July 17, 1997. On July 25, 1997, the Department scheduled this rule for hearings on August 25, August 28, and August 29, 1997, a copy of the notice of hearing is enclosed. All three hearings were held. The open comment period for written comments extended to September 5, 1997. The Department submitted this rule in final draft form to the legislature on September 8, 1997, a copy of the cover letter is enclosed. On September 16, 1997, this rule was referred to the Criminal Justice and Corrections Committee for its review. By letter dated October 16, 1997, the Committee requested a meeting with the Department on this rule and extended its review period to November 15, 1997. A copy of this letter is also enclosed. The Department will not be able to promulgate the permanent rule before the emergency rule expires on December 26, 1997.

Copies of the order creating the emergency rule and the proposed order creating a permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Sullivan".

Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

Sebastian, Julie

From: Zimmerman, Laura
Sent: Wednesday, November 19, 1997 2:31 PM
To: All Senate; WILIS Staff
Subject: New Senate Merchandise

Just a reminder that orders for the new Senate Merchandise must be in by **Friday, November 21st**, in order to ensure Holiday delivery.

Please be sure to mention this to your Senator if you think he/she may be interested.

Samples of the new Senate Merchandise are now available for viewing in the Sergeant's Office at L109 at One East Main. (Please note: L109 is not staffed if the Senate is session.)

Also, there is merchandise from last year's collection available for immediate purchase in the Sergeant's Office. Several items are still in stock, so if you are interested stop by or call our office at 6-1801.

Thanks!!

DOC 310.01 (2) (c) To encourage communication between inmates and staff₇₁

SECTION 3. DOC 310.01 (2) (b) is created to read:

DOC 310.01 (2) (b) To provide the department an early opportunity to decide the issue before an inmate commences a civil action or special proceeding against a department officer, employe or agent in the officer's, employe's or agent's official or individual capacity.

SECTION 4. DOC 310.01 (2) (c) through (g) are renumbered DOC 310.01 (2) (d) through (h) and are amended to read:

DOC 310.01 (d) To develop inmates' sense of involvement in and respect for the correctional process₇₁

(e) To explain correctional policy to inmates and staff₇₁

(f) To afford inmates and staff the opportunity to review correctional policy and gain further insight into the correctional system₇₁

(g) To correct any errors and deficiencies in correctional policy through questioning and review₇₁

(h) To allow inmates to raise civil rights grievances.

SECTION 5. DOC 310.015 is renumbered 310.02 is amended to read:

DOC 310.02 APPLICABILITY. Pursuant to authority vested in the department of corrections under ss. 301.02, 301.03 (2) and 227.11 (2), Stats., the department adopts this chapter which applies to the department and all adult inmates in its legal custody confined in a state correctional facility. It interprets ss. 301.02 and 301.03 (2), Stats.

SECTION 6. DOC 310.02 (intro.) and 310.02 (1) are renumbered DOC 310.03 (intro.) and 310.03 (1).

SECTION 7. DOC 310.02 (2) is renumbered DOC 310.03 (4) and is amended to read:

(4) "Calendar days" means all days including Saturdays, Sundays, and state legal holidays.

SECTION 8. DOC 310.02 (3) is renumbered DOC 310.03 (6) and is amended as follows:

DOC 310.03 (6) "CCE" or "corrections complaint examiner" means the ~~person outside~~ employee of the department designated to investigate complaints appealed to the secretary. The CCE shall be assigned to a subunit that is not within the division of adult institutions.

SECTION 9. DOC 310.02 (4) is renumbered DOC 310.03 (7) and is amended to read:

DOC 310.03 (7) "Civil rights grievance" means any inmate complaint relating to an incident affecting the delivery of services to inmates ~~in which it appears that an inmate has been discriminated against~~ alleging discrimination on the basis of race, creed, ethnicity, national origin, sex, handicap, age, religion, color, ancestry, sexual orientation or marital status.

SECTION 10. DOC 310.02 (5) is renumbered DOC 310.03 (8) and is amended to read:

DOC 310.03 (8) "Department" means the ~~Wisconsin~~ department of corrections.

SECTION 11. DOC 310.02 (6) is renumbered DOC 310.03 (11) and is amended to read:

DOC 310.03 (11) ~~"ICI"~~ "ICE" or ~~"inmate complaint investigator"~~ "institution complaint examiner" means the person at each adult correctional institution or designee designated to investigate complaints filed by inmates.

SECTION 12. DOC 310.02 (7) is renumbered DOC 310.03 (12).

SECTION 13. DOC 310.02 (8), 310.02 (9), and 310.02 (10) are renumbered DOC 310.03 (16), 310.03 (18) and 310.03 (19), and are amended to read:

DOC 310.03 (16) "Secretary" means the ~~head~~ secretary of the department of corrections, or ~~that person's~~ designee.

(18) ~~"Superintendent"~~ "Warden" means the superintendent warden of

the institution at which the complaint was filed, or designee.

(19) "Working days" means all days except Saturdays, Sundays, and state legal holidays.

SECTION 14. DOC 310.025 (title) is renumbered DOC 310.06 (title).

SECTION 15. DOC 310.025 (intro.) is repealed.

SECTION 16. DOC 310.025 (1), 310.025 (2), and 310.025 (2) (a) are renumbered DOC 310.06 (1), 310.06 (2), and 310.06 (2) (a) and are amended to read:

DOC 310.06 ORGANIZATION OF INMATE COMPLAINT REVIEW SYSTEM. (1) To use the complaint system, an inmate files a complaint with the inmate institution complaint investigator examiner (ICI) under ~~s. DOC 310.05~~ ss. DOC 310.09 or 310.10.

(2) The ~~ICI~~ ICE then may do any of the following:

(a) Investigates the complaint under s. DOC ~~310.07~~ 310.11;

SECTION 17. DOC 310.025 (2) (b) and (c) are renumbered 310.06 (2) (d) and (e) and are amended to read:

DOC 310.06 (2) (d) Attempts to resolve the complaint under s. DOC ~~310.07 (5)~~ 310.11 (9);

(e) Recommends a decision to the superintendent appropriate reviewing authority under s. DOC ~~310.07 (3)~~ 310.11(13).

SECTION 18. DOC 310.025 (3) through (5) are renumbered DOC 310.06 (3) through (5) and are amended to read:

DOC 310.06 (3) The superintendent appropriate reviewing authority ~~after studying the ICI's report, renders~~ makes a decision under s. DOC ~~310.08~~ 310.12.

(4) An inmate may appeal an adverse decision to the corrections complaint examiner ~~(CCE)~~ under s. DOC ~~310.09 (1)~~ 310.13.

(5) The ~~corrections complaint examiner~~ CCE then investigates and makes a recommendation to the secretary under s. DOC ~~310.09 (10)~~ 310.13(8).

SECTION 19. DOC 310.025 (6) and (7) are repealed.

SECTION 20. DOC 310.03 (title), 310.03 (1), 310.03 (2), 310.03 (3), and 310.03 (4) are renumbered DOC 310.07 (title), 310.07 (1), 310.07 (2), 310.07 (3) and 310.07 (4) and are amended to read:

DOC 310.07 INMATE COMPLAINT REVIEW SYSTEM. (1) To effectuate achieve the purpose and objectives of s. DOC 310.01, the department shall maintain an inmate complaint review system ~~(ICRS)~~ in the ~~adult~~ correctional institutions.

(2) Each ~~superintendent warden~~ shall appoint an ~~inmate institution~~ complaint investigator (ICI) examiner, ~~to implement the complaint review system whose primary responsibility shall be complaint investigation.~~ ~~In some institutions the superintendent~~ The warden may designate ~~an~~ any employe to function as ~~(ICI)~~ ICE in addition to other duties. ~~Complaint investigation shall be the primary responsibility of this person.~~

(3) The ~~ICI~~ ICE shall be provided with office space and clerical support required to implement the ICRS.

(4) In investigating a complaint, the ~~ICI~~ ICE shall have access to institution staff, inmates, and any institution or department records pertaining pertinent to that investigation ~~not otherwise protected by rule or statute.~~

SECTION 21. DOC 310.03 (2), 310.03 (3) are created to read:

DOC 310.03 (2) "Administrator" means an administrator, division of adult institutions, department of corrections, or designee.

(3) "Appropriate reviewing authority" means the warden, bureau director, administrator or designee who is authorized to review and decide an inmate complaint.

SECTION 22. DOC 310.03 (5) is repealed.

SECTION 23. DOC 310.03 (5), 310.03 (9), 310.03 (10), 310.03 (13) through 310.03 (15), and 310.03 (17) are created to read:

DOC 310.03 (5) "Calendar week" means Sunday through Saturday.

(9) "Director" means a director of a bureau, department of corrections, or designee.

(10) "Emergency" means any situation determined by the secretary to affect the security or orderly administration of the institution or the security, safety, or health of staff.

(13) "Malicious injury" means injury to the department or a person as the result of hatred, ill will, revenge, or as the result of intent to insult or injure.

(14) "Persons working in the inmate complaint review system or ICRS" include the secretary, deputy secretary, CCE, ICE support staff, staff who assist an inmate to reduce the complaint to writing, clerical staff who input ICRS data and other staff who by the nature of their jobs have contact with inmate complaints.

(15) "Reprisal" means any action or threat of action against anyone for their good faith participation in the complaint procedure.

(17) "Significant" means a serious or important defect or omission.

SECTION 24. DOC 310.04 (title), 310.04 (1), and 310.04 (2) are renumbered DOC 310.08 (title), 310.08 (1), and 310.08 (2) and are amended to read:

DOC 310.08 SCOPE OF COMPLAINT REVIEW SYSTEM. (1) The inmate complaint review system ~~(ICRS)~~ may be used by an inmate acting individually or by a group of inmates acting collectively.

(2) The ICRS may be used to ~~seek a change of any institution policy or practice~~ raise significant issues regarding rules, living conditions, and staff actions affecting institution environment, except any of the following:

SECTION 25. DOC 310.04 (2) (a) is repealed.

SECTION 26. DOC 310.04 (2) (b) is renumbered 310.08 (2) (b).

SECTION 27. DOC 310.04 (2) (c) through 310.04 (2) (e) are renumbered DOC 310.08 (2) (c) through 310.08 (2) (e) and are amended to read:

DOC 310.08 (2) (c) A decision of the parole commission acting in any capacity;

(d) The denial of a request for an authorized leave as provided in ch. DOC 326; ~~or~~

(e) A decision ~~of~~ on a challenge to an inmate record;

SECTION 28. DOC 310.04 (3) is renumbered DOC 310.08 (3) and is amended to read:

DOC 310.08 (3) After exhausting the appeal in DOC 302.19, 303.75 or 303.76, the the ICRS may be used to challenge the procedure used by the adjustment committee or hearing officer, by a program review committee, or by any decision maker acting on a request for authorized leave. ~~If a complaint challenging the procedure used by the adjustment committee or hearing officer is affirmed, the decisionmaker shall~~

SECTION 29. DOC 310.04 (3) (a) through (d) are repealed.

SECTION 30. DOC 310.04 (5) is renumbered DOC 310.08 (5) and is amended to read:

DOC 310.08 (5) Civil rights complaints may be filed in the ICRS in accordance with the procedures set forth in this chapter. The ~~ICE~~ ICE at the institution level and CCE at the appeals level may request assistance from the department's affirmative action/civil rights compliance officer to investigate or resolve a civil rights complaint.

SECTION 31. DOC 310.04 is created to read:

DOC 310.04 EXHAUSTION OF ADMINISTRATIVE REMEDIES. Before an inmate may commence a civil action or special proceedings against any officer, employe or agent of the department in the officer's, employe's or agent's official or individual capacity for acts or omissions committed while carrying out that person's duties as an officer, employe or agent or while acting within the scope of the person's office, the inmate is required to file a complaint under ss. DOC 310.09 or 310.10, receive a decision on the complaint under s. DOC 310.13, have an adverse decision reviewed under s.

DOC 310.14, and be advised of the secretary's decision under s. DOC 310.14.

SECTION 32. DOC 310.05 (title) is renumbered DOC 310.09 (title).

SECTION 33. DOC 310.05 (1) is renumbered DOC 310.09 (1) and is amended to read:

DOC 310.09 FILING OF COMPLAINTS. (1) A complaint, whether filed by an individual or a group of inmates, shall be written on forms supplied for that purpose and shall be signed by the inmate or by all members of the group filing the complaint. Unsigned complaints or complaints with foul language will not be accepted.

SECTION 34. DOC 310.05 (2) is renumbered DOC 310.09 (3) and is amended to read:

DOC 310.09 (3) A complaint shall be filed within 14 calendar days after the occurrence giving rise to the complaint, except that the inmate institution complaint investigator (ICI) examiner may accept a late complaint for good cause.

SECTION 35. DOC 310.05 (3) is renumbered DOC 310.09 (4) and is amended to read:

DOC 310.09 (4) Impaired, handicapped or illiterate inmates may not be excluded from full participation in the ICRS. If an inmate is unable to write a complaint, the ~~ICI~~ ICE or other staff shall reduce the complaint to writing and shall read it to the inmate. When the inmate is satisfied with the complaint, the inmate should sign it if able, or mark it with the inmate's mark, if able. An inmate ~~can~~ may also receive assistance from another inmate in preparing a complaint.

SECTION 36. DOC 310.05 (4) is renumbered DOC 310.09 (2) and is amended to read:

DOC 310.09 (2) The institution shall provide a supply of complaint forms and make the forms readily available to inmates.

SECTION 37. DOC 310.05 (5) and 310.05 (6) are renumbered DOC 310.09 (5) and (6) and are amended to read:

DOC 310.09 (5) A signed complaint may be filed by depositing it in a locked box in the living unit designated for complaints or by

placing it in a sealed envelope marked for delivery to the office of the ~~ICE~~ ICE via institution mail.

(6) An inmate may file ~~any number of~~ no more than 2 complaints in any given calendar week, unless the ICE determines in the ICE's discretion that good cause exists to allow the inmate to file more than 2 complaints in the calendar week. However, the ~~ICE~~ ICE shall exercise discretion in determining the order in which subsequent complaints from an inmate will be processed within the time limits of this section and in keeping with priorities set by s. DOC 310.07 (3) whether to assign individual complaint numbers or to batch complaints of similar content filed by one inmate. Health and personal safety issues shall be excluded from this section and shall be dealt with in the manner provided by s. DOC 310.11(3).

SECTION 38. DOC 310.05 is created to read:

DOC 310.05 COMMUNICATION OF PROCEDURES. The written complaint procedure shall be readily available to all inmates. Upon arrival at an institution, each inmate shall receive written notification and an oral explanation of the procedure, including how to file at the institution. The inmate shall be given the opportunity to ask and have questions answered orally. Appropriate provisions shall be made for non-English speaking, impaired or handicapped inmates.

SECTION 39. DOC 310.06 (title) and 310.06 (1) are renumbered DOC 310.10 (title) and 310.10 (1).

SECTION 40. DOC 310.06 (2) is renumbered DOC 310.10 (2) and is amended to read:

DOC 310.10 (2) Inmates having a complaint in common may file as a group by using one complaint form and ~~affixing the signatures of all complainants to the form.~~ All complainants shall sign the form. Alternatively, each may file individually but ask that the complaints be considered together. In either event, the The group shall designate a spokesperson or, if none is designated, the first name signed on the complaint filed shall be deemed the spokesperson for the group. A group complaint counts as a complaint under DOC 310.09(6).

SECTION 41. DOC 310.06 (2) (b) and (c) are created to read:

DOC 310.06 (2) (b) Rejects a complaint in accordance with provisions of this chapter;

(c) Dismisses a complaint in accordance with provisions of this chapter;

SECTION 42. DOC 310.06 (3) and (4) are repealed.

SECTION 43. DOC 310.06 (5) and DOC 310.06 (6) are renumbered DOC 310.10 (4) and DOC 310.10 (5) and are amended to read:

DOC 310.10 (4) The ~~ICI~~ warden shall determine if decisions or acknowledgments shall be communicated individually issued to all parties to a group complaint or, ~~if individual notice is administratively infeasible, may elect to post decisions or acknowledgments of receipt of appeals~~ posted in a place accessible to the group.

(5) Group complaints filed in accordance with this section shall not be deemed considered a group petition within the meaning of s. DOC 303.20 and shall not subject the complainants to discipline under that section.

SECTION 44. DOC 310.06 (6) is created to read:

DOC 310.06 (6) The secretary reviews the CCE's report, makes a decision under s. DOC 310.14, and ensures implementation under DOC 310.15.

SECTION 45. DOC 310.07 (title) is renumbered DOC 310.11 (title).

SECTION 46. DOC 310.07 (1) through (3) are renumbered DOC 310.11 (1) through (3) and are amended to read:

DOC 310.11 PROCESSING COMPLAINTS AT THE INSTITUTION LEVEL. (1) Unless the inmate complaint investigator ~~(ICI)~~ examiner is absent, ~~at least once each working day~~ the ICE shall collect all complaints deposited in any complaint box in the institution. The ~~superintendent~~ warden shall proceed under s. ~~DOC 310.03 (5)~~ 310.07(2) in the event of an absence of the ~~ICI~~ ICE for longer than 2 working days. Except as provided in this section, only the ~~ICI~~ ICE shall have access to the complaint boxes, which shall be provided with locks.

(2) No complaint may include more than one issue. Each complaint

shall be assigned a file number ~~for purposes of identification,~~ classification code and ~~the date of the receipt shall be noted~~ dated for purposes of identification. Each complaint shall be reviewed and acknowledged in writing by the ~~ICI ICE~~ within 3 calendar working days of the date of receipt. ~~Complaints dealing with health or personal safety shall be given priority.~~

(3) The ~~ICI ICE~~ shall ~~employ use~~ discretion in deciding the investigatory method best suited to determine the facts, ~~including personal interviews, telephone calls, and document and correspondence review~~ except that the investigation of complaints under 310.08(3) shall be limited to the record. This may include personal interviews, telephone calls, and document and correspondence review. Complaints dealing with health or personal safety shall be given priority. ~~The ICI shall forward a report and recommendation to the superintendent within 15 calendar days from the date of the acknowledgment for decision in accordance with s. DOC 310.08. The complainant may waive the time limits for up to an additional 30 calendar days to allow completion of an investigation. The report shall include those items required by subs. (5) and (6), when applicable. The inmate may waive time limits if the additional time will result in resolution of the complaint.~~

SECTION 47. DOC 310.07 (4) through (8) are renumbered DOC 310.11 (6) through (10) and are amended as follows:

DOC 310.11 (6) Staff ~~must~~ shall respond in writing, if requested, to an inquiry by an ~~ICI ICE~~ investigating a complaint.

(7) The ~~ICI ICE~~ ~~shall~~ may attempt to informally resolve the complaint, which may include directing the inmate to discuss the issue with an appropriate institution staff member prior to investigating the complaint, at the institution level. If resolution attempts are successful, the ~~ICI ICE~~ shall record the results in writing and have the complainant sign the report indicating the complainant's acceptance of the resolution. This resolution shall then be forwarded to the ~~superintendent~~ appropriate reviewing authority ~~for a decision under s. DOC 310.08.~~

(8) If an inmate is transferred to another institution after a complaint is filed but before a ~~superintendent~~ the appropriate reviewing authority renders a decision, the ~~ICI ICE~~ shall determine if the complaint is moot because of the transfer and, if

so, shall notify the inmate. If the issue still must be decided, the ~~ICE~~ ICE at the institution where the complaint originated shall investigate and make a recommendation to the ~~superintendent~~ appropriate reviewing authority.

(9) If an inmate is transferred after an incident but before filing a complaint, the inmate shall file the complaint at the ~~receiving~~ currently assigned institution. The ~~ICE~~ ICE there shall ~~send forward~~ the complaint to the ~~ICE~~ ICE at the ~~transferring~~ appropriate institution for investigation and decision.

(10) ~~In any event, the~~ The ~~ICE~~ ICE shall note the persons interviewed and the documents or records used as basis to support the decision or which were relied on in reaching a decision.

SECTION 48. DOC 310.08 (title), 310.08 (1) and 310.08 (2) are repealed.

SECTION 49. DOC 310.08 (2) (a) and (f) are created to read:

DOC 310.08 (2) (a) The subject matter of a conduct report that has not been resolved through the disciplinary process in accordance with ch. DOC 303;

(f) A denial of an open records request.

SECTION 50. DOC 310.08 (4), 310.08 (4) (a) through 310.08 (4) (c) are created to read:

DOC 310.08 (4) Complaints filed in the following areas shall be directed to the following appropriate reviewing authority:

(a) Health care and psychiatric issues shall be directed to the director of the bureau of health services.

(b) Badger state industries and farm issues shall be directed to the director of the bureau of correctional enterprises.

(c) The reviewing authority for all other complaints is the warden, unless another authority is designated by the secretary.

SECTION 51. DOC 310.09 (title), 310.09 (1) and 310.09 (2) are renumbered DOC 310.13 (title), 310.13 (1) and 310.13 (2) and are amended to read:

DOC 310.13 REVIEW BY CORRECTIONS COMPLAINT EXAMINER. (1) A complainant affected by a superintendent's dissatisfied with a decision may, within 5 calendar days after receipt of the decision, appeal that decision by filing a written request for review with the corrections complaint examiner (CCE).

(2) Appeals shall be sent to the CCE in a sealed envelope that ~~department employees~~ only the CCE or CCE support staff may not open or inspect.

SECTION 52. DOC 310.09 (3) is renumbered DOC 310.13 (3).

SECTION 53. DOC 310.09 (4) is renumbered DOC 310.13 (5) and is amended to read:

DOC 310.13 (5) The CCE shall, within 5 ~~calendar~~ working days after receiving an appeal, ~~review and~~ acknowledge receipt of the appeal. ~~Appeals dealing with health and personal safety shall be given priority attention.~~ Within 5 ~~calendar~~ working days of a request by the CCE, the ~~inmate institution~~ complaint investigator examiner shall provide the CCE with copies of the complaint, the ~~ICI's~~ ICE's investigation report and associated documentation and the ~~superintendent's~~ appropriate reviewing authority's decision. Appeals dealing with health or personal safety shall be given priority.

SECTION 54. DOC 310.09 (5) and (6) are renumbered DOC 310.13 (6) and (7).

SECTION 55. DOC 310.09 (7), 310.09 (8), and 310.09 (9) are repealed.

SECTION 56. DOC 310.09 (10) and 310.09 (11) are renumbered DOC 310.13 (8) and 310.13 (9) and amended to read:

DOC 310.13 (8) Unless extended for cause and upon notice, the CCE shall recommend a decision to the secretary within 37 ~~calendar~~ working days of receipt of the complaint. Should the CCE fail to make a recommendation within the prescribed time, the ~~superintendent's~~ appropriate reviewing authority's decision shall be affirmed. The inmate shall be notified of all decisions in writing.

(9) A complainant may waive time limits ~~if doing so may result in a favorable decision by the secretary rather than an affirmation of the superintendent's decision under sub. (10).~~

SECTION 57. DOC 310.10 (title) is renumbered DOC 310.14 (title).

SECTION 58. DOC 310.10 (1) and 310.10 (2) are renumbered DOC 310.14 (1) and 310.14 (2) and are amended to read:

DOC 310.14 SECRETARY'S DECISION. (1) The corrections complaint examiner's (CCE's) written recommendation, along with a copy of the institution complaint file, shall be delivered to the secretary who shall make a decision based on the record within ~~5~~ 10 calendar working days following receipt of the recommendation. The secretary may ~~take an additional 5 calendar days to make that~~ extend the time for making a decision if there is for cause and the secretary notifies upon notice to all interested parties.

(2) The secretary may do any of the following:

SECTION 59. DOC 310.10 (2) (a) is renumbered DOC 310.14 (2) (a).

SECTION 60. DOC 310.10 (2) (b) and (c) are renumbered 310.14 (b) and (c) and are amended to read:

DOC 310.14 (b) Adopt the recommendation of the CCE with modifications; ~~or~~

(c) Reject the recommendation of the CCE and decide ~~it~~

SECTION 61. DOC 310.10 (3) is renumbered DOC 310.14 (3).

SECTION 62. DOC 310.10 (3) is created to read:

(3) The CCE shall issue a receipt to the spokesperson acknowledging the complaint.

SECTION 63. DOC 310.11 (4), (4) (a) through (4) (c), 310.11 (5) and 310.11 (11) are created to read:

(4) The ICE may reject a complaint that the ICE determines to be frivolous. A complaint rejected because the ICE has determined it

to be frivolous may be appealed only to the appropriate reviewing authority. The ICE may determine the complaint frivolous if the ICE finds one of the following:

(a) The inmate submitted the complaint solely for the purpose of harassing or causing malicious injury to the department or one or more of its employes, agents, independent contractors, or any other person.

(b) The complaint does not raise a significant issue regarding rules, living conditions, or staff actions affecting institution environment.

(c) The complaint presents only an abstract question.

(5) If an ICE determines that normal processing of a complaint would subject the inmate to substantial risk of personal injury or cause other serious and irreparable harm, the ICE shall refer the complaint to the appropriate reviewing authority.

(11) Unless extended for cause and upon notice to the inmate, the ICE shall send a report and recommendation to the appropriate reviewing authority within 15 working days from the date of acknowledgment for decision in accordance with s. DOC 310.12. The complainant may waive the time limits in writing to allow completion of an investigation or resolution of the complaint.

SECTION 64. DOC 310.12 (title) is renumbered DOC 310.15.

SECTION 65. DOC 310.12 (1) is repealed.

SECTION 66. DOC 310.12 (2), 310.12 (3) and 310.12 (4) are renumbered DOC 310.15 (3), 310.15 (4), and 310.15 (5) and are amended to read:

(3) Within 30 ~~calendar~~ working days after issuance of the secretary's decision, the administrator ~~of the department's division of adult institutions~~ shall notify all affected parties of decisions that affect more than one institution.

(4) If an affirmed complaint has not been implemented at any level within 30 ~~calendar~~ working days after a decision to affirm, the complainant may directly inform the secretary appointing authority ~~by mail in writing~~ of the failure to implement the decision. ~~The~~

~~secretary shall investigate and take all steps necessary to ensure implementation.~~

(5) If ~~a~~ the decision on a complaint requires a change in an administrative rule, the decision maker shall initiate making the change in the rule making.

SECTION 67. DOC 310.12 (title), 310.12 (1), 310.12 (2), 310.12 (2) (a) through (e) and 310.12 (3) are created to read:

DOC 310.12 APPROPRIATE REVIEWING AUTHORITY DECISION. (1) The institution complaint examiner's written recommendation, along with a copy of the institution complaint file, shall be delivered to the appropriate reviewing authority who shall make a decision based on the record within 5 working days following receipt of the recommendation unless extended for cause and upon notice to all interested parties.

(2) The appropriate reviewing authority may do any of the following:

- (a) Dismiss the complaint.
- (b) Dismiss the complaint with modifications.
- (c) Affirm the complaint.
- (d) Affirm the complaint with modifications.
- (e) Return the recommendation to the ICE for further investigation.

(3) If the complainant does not receive the decision within 23 working days of the ICE's receipt of the complaint, the complaint shall be considered dismissed and may be appealed immediately.

SECTION 68. DOC 310.13 (title) is renumbered DOC 310.16 (title).

SECTION 69. DOC 310.13 (1) and (2) are renumbered DOC 310.16 (1) and (2) and amended to read:

DOC 310.16 CONFIDENTIALITY. (1) Except as otherwise provided in

this section, complaints filed with the inmate complaint review system ~~(ICRS)~~ shall be confidential. Persons working in the ICRS shall respect the confidential nature of the work. The identity of complainants and the nature of the complaint shall be revealed only to the extent ~~necessary~~ reasonable and appropriate for thorough investigation and implementation of the remedy.

(2) Confidentiality of complaints may be waived by the ~~superintendent warden~~ if the security, safety, or health of the institution, staff or inmates is involved.

SECTION 70. DOC 310.13 (3) and (4) are renumbered DOC 310.16 (3) and (4).

SECTION 71. DOC 310.13 (4) is created to read:

DOC 310.13 (4) The CCE may not review a complaint dismissed under s. DOC 310.11(4).

SECTION 72. DOC 310.13 (5) and (6) are renumbered DOC 310.16 (5) and (6) and are amended to read:

DOC 310.13 (5) A complainant may wave confidentiality in writing or make public any aspect of a complaint at any time. If the complaint contains a false statement meeting the requirements of s. DOC 303.271, making that false statement public constitutes the offense of lying about staff.

(6) ~~No sanction may be applied against an inmate for filing a complaint~~ may be subjected to reprisal for using or participating in the ICRS. An inmate shall be entitled to pursue, through the ICRS, a complaint that a reprisal has occurred.

SECTION 73. SECTION DOC 310.13 (7) is repealed.

SECTION 74. DOC 310.14 (title) is renumbered DOC 310.17 (title).

SECTION 75. DOC 310.14 (1) and (2) are renumbered 310.17 (1) and (2) and are amended to read:

DOC 310.17 REPORTS. (1) The ~~inmate institution~~ complaint investigator (ICI) examiner shall submit quarterly reports to the secretary ~~and CCE~~ to indicate the number and type of complaints processed and the disposition of the complaints.

(2) The CCE shall file an annual report with ~~the attorney general~~ and the secretary. This report shall include all of the following:

SECTION 76. DOC 310.14 (2) (a) through (d) are renumbered DOC 310.17 (2) (a) through (d).

SECTION 77. DOC 310.14 (2) (d) is created to read:

DOC 310.14 (2) (d) Return the recommendation to the CCE for further investigation.

SECTION 78. DOC 310.14 (3) is repealed.

SECTION 79. DOC 310.15 (1) and (2) are created to read:

DOC 310.15 IMPLEMENTATION OF AFFIRMED COMPLAINT. (1) An affirmed decision shall be implemented within 30 working days from date of decision.

2) Inmates shall be notified in writing of affirmed decisions requiring change in institution programs of operations affecting the general inmate population.

SECTION 80. DOC 310.18 and DOC 310.19 are created to read:

DOC 310.18 PRESERVATION OR RECORDS. All records related to an inmate complaint shall be kept according to department policy and procedures. The department shall keep all records for at least 3 years following disposition of the complaint.

DOC 310.19 SUSPENSION OF PROVISIONS OF THIS CHAPTER. The secretary may suspend any provision of this chapter in an emergency. The suspension may apply to one or more institutions.

Note: DOC 310.01 paragraph 2, sentence 3 is amended as follows:

Issues and policies that need to be reexamined periodically will be brought to the attention of the administration, and a form is provided for resolution of ~~issues~~ questions without prolonged

debate.

Paragraph 2, sentences 4 and 5 are created to read:

Paragraph (a) allows inmates to raise issues which are significant. Although the department encourages the use of the complaint system, the system can not function efficiently when large numbers of insignificant and frivolous complaints are filed.

Paragraphs 3 and 4 are deleted.

Paragraph 5, sentence 3 is deleted.

Paragraphs 6 to 9 are deleted.

Paragraph 4 is created to read:

Furthermore, a system encouraging involvement is likely to eliminate the use of unacceptable and destructive methods for raising grievances.

Note: DOC 310.02 is repealed.

Note: DOC 310.03 is renumbered DOC 310.07 and amended as follows:

Delete paragraphs 1 to 3.

Amend paragraph 4 as follows:

Because timeliness is important in handling complaints, the ~~superintendent warden~~ is authorized under DOC 310.07 (2) to designate an acting ~~ICI~~ ICE in the absence of the appointed ~~investigator~~ examiner.

Note: DOC 310.04 is renumbered DOC 310.08 and amended as follows:

Paragraph 3, sentence 4 is amended as follows:

Second, the nature of the issue may make investigation difficult or may require expertise that is beyond the ~~ICI-ICE~~ and the CCE.

Delete paragraph 4, sentence 2.

Note: DOC 310.05 is renumbered DOC 310.09 and amended as follows:

Delete paragraph 2, sentence 1.

Amend paragraph 3, sentence 1 as follows:

Subsection ~~(2)~~ (3) underscores the importance of filing a complaint as soon as it is apparent that no other acceptable method of resolution is possible.

Amend paragraph 3, sentence 2 as follows:

The ~~ICF~~ ICE is given discretion, however, to accept old complaints if ~~he or she~~ the ICE believes it is still possible to determine the facts needed to make a recommendation.

Amend paragraph 3, sentence 3 as follows:

Promptness in filing a complaint is required ~~to ensure~~ for a thorough investigation of the facts.

Amend paragraph 4, sentence 1 as follows:

The number of complaints one person can file may be limited, ~~except that the ICRS may become overburdened because of multiple complaints from one individual~~ distractions take away time from valid complaints.

Paragraph 4, sentence 2 is repealed and recreated to read:

The ICE may assign individual complaint numbers or batch complaints of similar content filed by one inmate.

Note: DOC 310.06 is renumbered 310.10.

Paragraph 1, sentence 1, is amended as follows:

Complaints arising from living and working conditions or the application of a rule ~~to a segment of the institution population~~ may be shared by a number of persons ~~in contrast to a complaint that affects only one inmate.~~

Paragraphs 2 and 3 are repealed.

Paragraph 4, sentence 1 is amended to read:

~~Since the~~ The department ~~is encouraging~~ encourages the use of the complaint system to deal with frustrations and irritations of institution life, prohibiting group complaints would be inappropriate.

Note: DOC 310.07 is renumbered DOC 310.11 and is amended as follows:

Paragraph 1 sentence 1 is amended as follows:

DOC ~~310.07~~ 310.11 establishes the procedure for processing complaints and authorizes priority handling of complaints dealing with health or personal safety.

Paragraph 1, create sentences 3 through 6 as follows:

Experience has shown some inmate complaints to be frivolous. For example, a complaint which alleges that an inmate didn't receive the proper food simply because it was "bagged" when the "bagged" meal was permitted under policy and procedures. These complaints serve to distract attention away from the more important issues. DOC 310.11(4) requires the ICE to dismiss frivolous complaints as defined in this section.

Delete paragraph 2.

Paragraph 3, sentence 1, amend as follows:

Informal resolution of a complaint is not only authorized, but also encouraged when possible.

Paragraph 3, sentences 2 and 3 are deleted.

Paragraph 3, sentence 4 and 5 are amended as follows:

This practice can do much to remove misunderstandings and relieve the tension from which the complaint developed. Experience with the complaint procedure in Wisconsin has shown that ~~more than one third~~ many of the complaints filed are resolved informally.

Paragraph 5, sentence 1 is amended as follows:

Because inmates are frequently transferred within the Wisconsin correctional system, subs. ~~(6)~~ (10) and ~~(7)~~ (11) provide a method for dealing with complaints arising just before or at the time of the transfer.

Note: DOC 310.08 is renumbered DOC 310.12.

Paragraph 1, sentence 1 is amended as follows:

This section requires the ~~superintendent's~~ appropriate reviewing authority's written decision to be rendered within 23 working days of the date the complaint is filed.

Paragraph 1, sentences 3 through 5 are deleted.

Paragraph 1, sentence 3 is created to read:

Experience in the ICRS has shown that timeliness is one of the most important factors in the process.

Note: DOC 310.09 is renumbered DOC 310.13.

Paragraph 1, sentence 1 is amended to read:

~~DOC 310.09 310.13 sets out~~ defines the procedure for appealing a ~~superintendent's~~ an adverse decision to the CCE.

Paragraph 1, sentences 3 and 4 are deleted.

Paragraph 2, sentence 1 is amended to read:

Appeal to the CCE provides another element deemed essential to a ~~valid~~ credible complaint system, namely, a review by someone outside the ~~correctional agency division of adult institutions~~ chain of command.

Paragraph 2, sentences 2 and 3 are deleted.

Paragraph 2, sentence 2 is created to read:

Appeals dealing with health or personal safety are to be given priority over other complaints.

Note: DOC 310.12 is renumbered DOC 310.15.

Paragraph 3, sentence 1 is deleted.

Paragraph 3, sentence 2 is amended to read:

Subsection ~~(3)~~ (4) ~~modifies this to state~~ states that the complainant may notify the secretary of failure to implement a decision.

Paragraph 3, sentence 3 is amended to read:

~~This is proper because the~~ The secretary, ~~rather than the~~ ~~CCE,~~ is in a position to ensure that a decision is implemented promptly.

Note: DOC 310.13 is renumbered DOC 310.16.

Paragraph 1, sentence 1 is amended to read:

If the ICRS is to ~~have~~ maintain integrity and the confidence of the inmates, complaints entered must be treated confidentially and, with certain limited exceptions, no sanctions can result from use of the system.

Paragraph 1, sentence 4 is amended to read:

~~The complaint system~~ ICRS is an appropriate forum for resolving these issues, but because complaints often identify a staff member as the perceived perpetrator of some injustice, the complainant must be protected from retribution or penalty for legitimate use of the system.

Paragraph 1, sentence 6 is deleted.

Paragraph 2, sentence 1 is amended to read:

The nature of some complaints is such that a meaningful investigation cannot be made without revealing the identify of the complainant, but this should be done only when ~~necessary~~ reasonable and appropriate.

Paragraph 2, sentence 2 is amended to read:

Confidentiality can be waived if it can be shown that the security or the orderly administration of the institution, or the

security ~~of the institution,~~ safety, or health of staff, or inmates is involved.

Paragraph 3, sentences 1 through 3 are amended to read:

This is not to say that inmates are free to make threatening or false statements about staff, knowing they are false and with the intent to harm the staff, especially if those false statements are made public. There have been malicious lies about staff corruption and sexual behavior made in the ~~complaint system~~ ICRS. This rule does not ~~insulate inmates from~~ prohibit disciplinary action for the illegitimate use, or abuse, of the ~~complaint system~~ ICRS.

Paragraph 4 is deleted.

Paragraph 5, sentence 1, is amended to read:

The ~~ICI~~ ICE must use discretion in revealing only enough information about the nature of the complaint to allow for a thorough investigation.

Paragraph 6, sentence 2 is amended to read:

However, if an inmate makes a false accusation pursuant to s. ~~DOC 303.271~~ 303.28, revealing that false accusation to persons outside the complaint system may subject the inmate to disciplinary action.

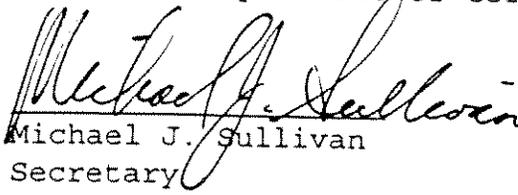
Note: 303.14 is deleted.

Note: DOC 310.19 is created to read:

Experience has shown that there are rare situations when it is necessary to suspend these rules. DOC 310.19 permits the secretary to suspend these rules in an emergency. The rules define an emergency.

This rule shall take effect on publication August 4, 1997.

Wisconsin Department of Corrections



by: Michael J. Sullivan
Secretary

Date: 7-28-97

Seal:

JOINT

COMMITTEE HEARINGS

AMENDED - AMENDED - AMENDED

The Joint Committee for Review of Administrative Rules will hold an **executive session** in Room LL1 of the building at 119 Martin Luther King, Jr. Blvd., Madison, on the following at the time below:

Thursday, November 20, 1997 at 10:00 a.m.

The Committee will hold an executive session on the following:

- Emergency Rule Trans 300 **Relating to** the transportation of school children.. Extension of the effective period of this emergency rule by 33 days, at the request of the Department of Transportation. *First Consideration.*
- Emergency Rule DOC 304 **Relating to** the inmate secure work program. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Corrections. *Second Consideration.*
- Emergency Rule DOC 310 **Relating to** the inmate complaint review system. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Corrections. *First Consideration.*
- Emergency Rule DOC 332 **Relating to** the registration of sex offenders. Extension of the effective period of this emergency rule by 60 days, at the request of the Department of Corrections. *Second Consideration.*



Senator Richard Grobschmidt
Senate Co-Chair



Representative Glenn S. Grothman
Assembly Co-Chair

Senator Richard Grobschmidt
Attn: John Sumi RE: JCRAR
100 NH Room 404
Inter-D (N)



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

October 28, 1997

The Honorable Richard Grobschmidt
Senate Chairman
Joint Committee for Review
of Administrative Rules
100 North Hamilton, Room 404
Madison, Wisconsin 53707

The Honorable Glenn S. Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 125 West, State Capitol
Madison, Wisconsin 53707

RE: **EMERGENCY RULE EXTENSION**

Gentlemen:

I am writing to request an extension for the Wisconsin Department of Transportation's emergency administrative rule ch. Trans 300, pursuant to § 227.24(2), Stats., and per your January 25, 1996 letter. The information you request is as follows:

Emergency Rule Expiration Date: **November 29, 1997**

Number of Days Extension Requested: **Thirty-three (33)**

Administrative Rule Number: **TRANS 300**

Relating Clause: **Transportation of School Children**

Status of Permanent Rule: **The Final Draft of the permanent administrative rule Trans 300 was submitted for legislative committee review on September 18, 1997, and referred to the Assembly Highways and Transportation Committee and to the Senate Labor, Transportation and Financial Institutions Committee, both on September 23, 1997. The committee review period expired on October 23, 1997. The Department promulgated the rule on October 24, 1997 and subsequently submitted the rule to the Revisor of Statutes for publication.**

The extension of the emergency rule is necessary due to the lapse between its expiration date and the effective date of the permanent rule which will be January 1, 1998. I am enclosing a copy of the emergency rule.

Please consider this request at your November meeting. A Department representative will attend the meeting. Please contact me at 267-3703 to confirm your schedule. Thank you for your cooperation.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gene Kussart
Mike Goetzman
OPB Director
Bill Singletary
Sgt. Sandra Huxtable
Gary Poulson

Order of the Wisconsin Department of Transportation Adopting an Emergency Rule to amend TRANS 300.35(1) and (3), 300.58(3) and 300.64(3)(a) and (c), relating to the transportation of school children.

**ORDER ADOPTING
EMERGENCY RULE**

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 110.06(2), Stats.

STATUTES INTERPRETED: s. 110.06(2), Stats.

General Summary of Emergency Rule. Chapter Trans 300 regulates the transportation of school children in Wisconsin. Currently, this chapter has specific requirements for the thickness of metal used in the school bus manufacturing process, specifically, construction of the floor and rub rails. The Department proposes to allow alternative school bus construction material. To keep the gross vehicle weight rating (GVWR) at or below 10,000 lbs., the revision would allow "other metal or material with strength at least equivalent to all-steel as certified by the bus body manufacturer." Without the proposed changes for the 10,000 lb. GVWR or less school buses, schools will start using alternative vehicles (production vans) because of the unavailability of the smaller school buses built to the safer school bus standards.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized tribes or bands. The amendments to this rule will allow bus operators to purchase the smaller school buses needed for the full school year. There will be no cost increase to the Department to inspect these buses.

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Emergency Rule and Contact Person. Copies of this emergency rule are available without cost upon request by writing to Frieda Andreas, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53712, or by calling (608) 266-6936. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF EMERGENCY RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 110.06(2), Stats., the department of transportation hereby amends ch. Trans 300,

Wisconsin Administrative Code, interpreting s. 110.06(2), Stats., relating to the transportation of school children.

SECTION 1. Trans 300.35(1) and (3) are amended to read:

Trans 300.35 CONSTRUCTION. (1) The construction shall be of prime commercial quality steel or other metal, or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, except for the grill, hood, or fenders and shall comply with FMVSS 220, school bus rollover protection. School buses with a GVWR of 10,000 lbs. or more shall comply with FMVSS 221, school bus body joint strength.

(3) The floor or subfloor shall be of prime commercial quality steel of at least 14 gauge or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer. Plywood may be used in addition to other flooring material. The floor shall be level from front to back and from side to side except in the wheel housing, toeboard, and driver's seat platform areas. The body cross members below the floor may have no more than 2 consecutive and no more than 3 total members that are completely rusted through.

SECTION 2. Trans 300.58(3) is amended to read:

Trans 300.58(3) Rub rails shall be constructed of ~~16-gauge longitudinally corrugated or ribbed steel,~~ or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, of 4-inch minimum width, flange to flange. Each rub rail flange shall be attached at each body post and all other upright structural members.

SECTION 3. Trans 300.64(3)(a) and (c) are amended to read:

Trans 300.64(3)(a) It shall be a metal, or material with strength at least equivalent to all-steel, as certified by the bus body manufacturer, octagon-shaped sign at least 18 inches wide and 18 inches long exclusive of the mounting bracket. All sheet metal parts shall be 16 gauge or heavier.

(c) It shall be equipped with 2, 4-inch or larger, double faced alternating flashing red lamps to be mounted near the perimeter of the sign with a minimum of 12 inches spacing between lamp centers or the sign may be equipped with high-visibility, light emitting diodes (LEDs) that flash and spell out the word "STOP". These lamps shall be wired to the circuit of the flashing red warning lamps mounted on the front and rear of the bus. These lamps may be strobe lamps.

(END OF RULE TEXT)

FINDING OF EMERGENCY

The Department of Transportation finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public safety. The amendments are needed to assure that school bus operators can purchase school buses manufactured using the latest in construction technology and providing equal strength and safety. Currently, there are estimated to be 60 buses on order by operators. Without this emergency rule, these buses could not be used in Wisconsin when the school year begins in August 1997. Therefore, schools will start using alternative vehicles (production vans) because of the unavailability of the smaller school buses built to the safer school bus standards.

Effective Date: This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Signed at Madison, Wisconsin this 20 day of June, 1997.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

Committee Meeting Attendance Sheet

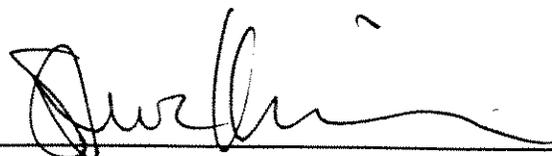
Joint Committee for Review of Administrative Rules

Date November 20, 1997 Meeting Type Executive Session

Location Room LL7, 119 MLKB

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	✓		
2. Senator WIRCH	✓		
3. Senator POTTER	✓		
4. Senator WELCH	✓		
5. Senator SCHULTZ	✓		
6. Representative GROTHMAN	✓		
7. Representative GUNDERSON	✓		
8. Representative SERATTI	✓		
9. Representative YOUNG			✓
10. Representative KREUSER	✓		
Totals	9	0	1

s:\comclerk\attend



John Sumi / Steve Krieser, Committee Clerk

NOV 25 1997



SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON
MADISON, WI 53707
(608) 266-7505

REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL
MADISON, WI 53702
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 20, 1997

Michael J. Sullivan, Secretary
Department of Corrections
149 East Wilson Street
Madison, WI 53707-7925

Dear Secretary Sullivan:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 20, 1997 and adopted the following motions:

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DOC 304 by 60 days, at the request of the Department of Corrections.
Motion Carried: Extension Granted.
9 Ayes, 0 Noes, 1 Absent.

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DOC 310 by 60 days, at the request of the Department of Corrections.
Motion Carried: Extension Granted.
9 Ayes, 0 Noes, 1 Absent.

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of DOC 332 by 60 days, at the request of the Department of Corrections.
9 Ayes, 0 Noes, 1 Absent.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

RICHARD GROBSCHMIDT
Senate Co-Chair

GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson

NOV 25 1997

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON
MADISON, WI 53707
(608) 266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL
MADISON, WI 53702
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 20, 1997

Charles Thompson, Secretary
Department of Transportation
4802 Sheboygan Avenue
Madison, WI 53705

Dear Secretary Thompson:

The Joint Committee for the Review of Administrative Rules met in Executive Session on November 20, 1997 and adopted the following motions:

Moved by Representative Grothman, seconded by Senator Grobschmidt that, pursuant to s. 227.24(2)(a), Stats., the Joint Committee for Review of Administrative Rules extend the effective date of Trans 300 by 33 days, at the request of the Department of Transportation.

Motion Carried: Extension Granted.

9 Ayes, 0 Noes, 1 Absent.

Pursuant to s. 227.24(2)(c) Stats, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,


RICHARD GROBSCHMIDT
Senate Co-Chair


GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:swk

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

Committee Meeting Attendance Sheet

Joint Committee for Review of Administrative Rules

Date November 20, 1997 Meeting Type Executive Session

Location Room LL7, 119 MLKB

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT			
2. Senator WIRCH			
3. Senator POTTER			
4. Senator WELCH			
5. Senator SCHULTZ			
6. Representative GROTHMAN			
7. Representative GUNDERSON			
8. Representative SERATTI			
9. Representative YOUNG			
10. Representative KREUSER			
Totals			

s:\comclerk\attend

John Sumi / Steve Krieser, Committee Clerk

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule TRANS 300 by 33 days, at the request of the Department Office of Transportation.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule Doc 304 by 60 days, at the request of the Department Office of Corrections.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

***Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion***

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DOC 310 by 60 days, at the request of the Department / Office of Corrections.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

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Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DOC 332 by 60 days, at the request of the Department / Office of Corrections.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

REVIEW OF JCRAR AGENDA OF 11/20/97

The committee will consider extensions of 4 emergency rules:

Emergency Rule Trans 300 Relating to the transportation of school children..

This rule adopts new equipment standards for school buses. The new standards were put in place through the emergency rule process so that school bus operators could order buses that meet the new standards prior to the 1997-98 school year.

Emergency Rule DOC 304 Relating to the inmate secure work program.

This rule is the chain gang rule. The rule was previously extended by the JCRAR at our October meeting. It is set to expire on December 26th. We scheduled it this month in order to take care of Decembers business early. At the last meeting several questions concerning the operation of chain gangs were asked by members. But the rule was extended by unanimous vote.

Emergency Rule DOC 310 Relating to the inmate complaint review system.

The inmate complaint review system is the internal complaint system used by inmates to seek redress for what they contend may be improper treatment or conditions in correctional institutions. The Department of Corrections has a backlog of approximately 3,000 complaints in the system. Part of the cause of the backlog, they would argue, was the decision by the Department of Justice, to withdraw their staff from the process.

Some aspects of the rule could be argued to be procedural streamlining, however, others probably affect the ability of inmates to make effective complaints.

Two examples:

Streamlining

The rule allows the complaint examiner to dismiss what they term to be frivolous complaints. The rule includes standards for determining whether a complaint is frivolous. A dismissal of a complaint determined to be frivolous could be appealed.

2 per week

Inmates rights affected

The rule will prohibit complaint examiners from ordering an evidentiary hearing. This provision will lessen the ability of the complaint review process to learn the relevant facts that may help resolve a complaint.

Other considerations - The department will argue that reducing the backlog helps inmates. Justice delayed is justice denied someone once said.

This is the first time the JCRAR has considered an extension request for this rule. The permanent rule has not yet been submitted to the legislature for review.

will be

Emergency Rule DOC 332 Relating to the registration of sex offenders.

The JCRAR also heard this rule at its October meeting. The rule sets the registration requirements that the department uses to notify local law enforcement and the public of the release of a sex offender into a community. At our last review of this rule, questions were asked about the department's involvement in a Janesville case where some questions were raised about whether proper notification was given. The department adequately explained their role in that situation.

Status of permanent rule

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

Committee Meeting Attendance Sheet

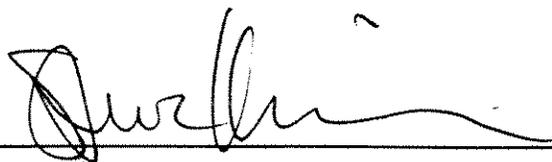
Joint Committee for Review of Administrative Rules

Date November 20, 1997 Meeting Type Executive Session

Location Room LL7, 119 MLKB

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT			
2. Senator WIRCH			
3. Senator POTTER			
4. Senator WELCH			
5. Senator SCHULTZ			
6. Representative GROTHMAN			
7. Representative GUNDERSON			
8. Representative SERATTI			
9. Representative YOUNG			
10. Representative KREUSER			
Totals			

s:\comclerk\attend



John Sumi / Steve Krieser, Committee Clerk

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY Grothman SECONDED BY Grobschmidt

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule TRANS 300 by 33 days, at the request of the Department Office of Transportation.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule Doc 304 by 60 days, at the request of the Department Office of Corrections

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DOC 310 by 60 days, at the request of the Department / Office of Corrections.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES

*Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion*

DATE 11-20-97 EXECUTIVE SESSION PUBLIC HEARING C-HOUSE RULE _____

MOVED BY _____ SECONDED BY _____

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DOC 332 by 60 days, at the request of the Department / Office of Corrections.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator WIRCH			
Senator POTTER			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED

MOTION FAILED

REVIEW OF JCRAR AGENDA OF 11/20/97

The committee will consider extensions of 4 emergency rules:

Emergency Rule Trans 300 Relating to the transportation of school children..

This rule adopts new equipment standards for school buses. The new standards were put in place through the emergency rule process so that school bus operators could order buses that meet the new standards prior to the 1997-98 school year.

Emergency Rule DOC 304 Relating to the inmate secure work program.

This rule is the chain gang rule. The rule was previously extended by the JCRAR at our October meeting. It is set to expire on December 26th. We scheduled it this month in order to take care of Decembers business early. At the last meeting several questions concerning the operation of chain gangs were asked by members. But the rule was extended by unanimous vote.

Emergency Rule DOC 310 Relating to the inmate complaint review system.

The inmate complaint review system is the internal complaint system used by inmates to seek redress for what they contend may be improper treatment or conditions in correctional institutions. The Department of Corrections has a backlog of approximately 3,000 complaints in the system. Part of the cause of the backlog, they would argue, was the decision by the Department of Justice, to withdraw their staff from the process.

Some aspects of the rule could be argued to be procedural streamlining, however, others probably affect the ability of inmates to make effective complaints.

Two examples:

Streamlining

The rule allows the complaint examiner to dismiss what they term to be frivolous complaints. The rule includes standards for determining whether a complaint is frivolous. A dismissal of a complaint determined to be frivolous could be appealed.

Inmates rights affected

The rule will prohibit complaint examiners from ordering an evidentiary hearing. This provision will lessen the ability of the complaint review process to learn the relevant facts that may help resolve a complaint.

Other considerations - The department will argue that reducing the backlog helps inmates. Justice delayed is justice denied someone once said.

This is the first time the JCRAR has considered an extension request for this rule. The permanent rule has not yet been submitted to the legislature for review.

Emergency Rule DOC 332 Relating to the registration of sex offenders.

The JCRAR also heard this rule at its October meeting. The rule sets the registration requirements that the department uses to notify local law enforcement and the public of the release of a sex offender into a community. At our last review of this rule, questions were asked about the department's involvement in a Janesville case where some questions were raised about whether proper notification was given. The department adequately explained their role in that situation.

PROPOSED ORDER OF THE
DEPARTMENT OF CORRECTIONS
CREATING RULES

The Wisconsin department of corrections proposes an order to create DOC 304, relating to the inmate secure work program.

Statutory authority: ss. 303.063, 227.11 (2)

Statutes interpreted: s. 303.063, Stats.

Analysis Prepared by the Department of Corrections

Sec. 303.063 (1), Stats. authorizes the Department of Corrections to establish a secure work program for inmates in which the inmates are assigned to work away from the grounds of the institution while appropriately restrained for security purposes.

Sec. 303.063 (2), Stats. requires that the Department of Corrections must promulgate rules specifying the procedures and regulations relating to the secure work program under (1) before it may implement such a program.

The proposed rule:

1. Provides that an inmate shall have a security classification of medium, minimum, or minimum community residential confinement in order to be eligible to participate in the secure work program.
2. Provides that intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.
3. Provides that inmates otherwise meeting the requirements of DOC 304.04 may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.
4. Provides that the warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program, and that an inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the inmate's assignment.
5. Provides that a secure work crew may consist of a maximum of 12 inmates.
6. Provides that an inmate may be on any one secure work program assignment for a maximum of 60 work days.

7. Provides that inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the perimeter of the institution.

8. Provides that each work crew shall be supervised by at least 2 correctional officers, and that at least one of those officers shall be armed.

9. Provides that inmates in the secure work program may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned, and that work assignments may include roadside cleaning, snow removal, and construction projects.

10. Requires that inmates who are participating in secure work program assignments wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

11. Provides that inmates who are assigned to secure work crews, who are not in disciplinary status, shall be paid at pay ranges 1 through 3, depending upon work assignment and performance.

DOC 304.01 PURPOSE. The purposes of the secure work program are:

- (1) To provide inmates work opportunities while the inmates are appropriately restrained for security purposes.
- (2) To provide inmates opportunities to assume responsibility in work settings to prepare them for employment upon release to the community.
- (3) To fulfill the goals of public protection and reintegration of the inmate into the community.
- (4) To provide service to the community.

DOC 304.02 APPLICABILITY. This chapter applies to the Wisconsin Department of Corrections and adult inmates in its custody. It interprets s. 303.063, Stats. This chapter is adopted pursuant to the authority of s. 303.063 (2), Stats.

DOC 304.03 ORGANIZATION OF THE SECURE WORK PROGRAM. (1) Inmates shall be eligible to participate in the secure work program if they meet the requirements under s. DOC 304.04.

- (2) The warden of the correctional facility to which the inmate is assigned or the warden's designee shall review the proposed assignment of the inmate to a secure work program. An inmate shall be allowed to participate in a secure work program only after the warden or the warden's designee approves the

inmate's assignment.

- (3) A secure work crew may consist of a maximum of 12 inmates.
- (4) An inmate may be assigned to any one secure work crew assignment for a maximum of 60 work days.
- (5) Inmates participating in a secure work program assignment shall be restrained by individual chain leg restraints and may be required to wear electronic stun belts or utilize other security technology during the time they are outside the secure perimeter of the institution.
- (6) Each work crew shall be supervised by at least 2 correctional officers, and at least one of those correctional officers shall be armed.

DOC 304.04 ELIGIBILITY FOR SECURE WORK PROGRAM ASSIGNMENT. (1) An inmate shall have a security classification of medium, minimum, or minimum community residential confinement as defined in s. DOC 302.12 in order to be eligible to participate in the secure work program.

- (2) Intensive sanctions inmates who are sanctioned back to prison and probationers and parolees who are being held in custody as an alternative to revocation may be eligible to participate in the secure work program.
- (3) Inmates who otherwise meet the eligibility requirements of this section may be assigned to the secure work program as a disciplinary disposition under s. DOC 303.

DOC 304.05 SECURE WORK PROGRAM OPERATION. (1) An inmate participating in a secure work program assignment may be assigned to work outside the secure perimeter of the correctional institution to which the inmate is assigned.

- (2) Work assignments may include, but are not limited to, roadside cleaning, snow removal, construction projects and community service projects.
- (3) Inmates who are participating in secure work program assignments shall be required to wear distinctively colored outerwear during the time they are outside the secure perimeter of the institution.

DOC 304.06 INMATE SECURE WORK CREW PAY. Inmates assigned to secure work programs, who are not in disciplinary status, shall be paid at pay ranges 1 through 3 depending upon work assignment and performance.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Corrections

Dated: _____

By: _____

Michael J. Sullivan
Secretary

Seal:

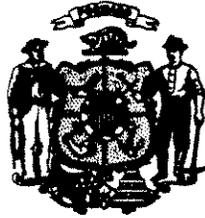
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 97-106

AN ORDER to repeal DOC 310.025 (intro.), (6) and (7), 310.03 (5), 310.04 (2) (a) and (3) (a) to (d), 310.06 (3) and (4), 310.08, 310.09 (7) to (9), 310.12 (1), 310.13 (7) and 310.14 (3); to renumber and amend 310.01 (2) (b) to (g), 310.015, 310.02 (2) to (6) and (8) to (10), 310.025 (title), (1) and (2), 310.0125 (2) (a) to (c) and (3) to (5), 310.03 (title) and (1) to (4), 310.04 (title), (1), (2) (intro.) and (c) to (e), (3) and (5), 310.05, 310.06 (2), (5) and (6), 310.07, 310.09 (title), (1), (2), (4), (10) and (11), 310.10 (1) and (2) (intro.), (b) and (c), 310.12 (2) to (4), 310.13 (1), (2), (5) and (6) and 310.14 (1) and (2); to renumber 310.02 (intro.), (1) and (7), 310.025 (title), 310.04 (2) (b), 310.05 (title), 310.06 (title) and (1), 310.07 (title), 310.09 (3), (5) and (6), 310.10 (title), (2) (a) and (3), 310.12 (title), 310.13 (3) and (4) and 310.14 (title) and (2) (a) to (d); to amend 310.01 (2) (intro.) and (a) and 310.02; and to create 310.01 (2) (b), 310.03 (2), (3), (5), (9), (10), (13), (14), (15) and (17), 310.05, 310.06 (2) (b) and (c) and (6), 310.08 (2) (a) and (f) and (4), 310.10 (3), 310.11 (4), (5) and (11), 310.12 (title) and (1) to (4), 310.14 (2) (d), 310.15 (1) and (2), 310.18 and 310.19, relating to the inmate complaint review system.

Submitted by **DEPARTMENT OF CORRECTIONS**

07-30-97 RECEIVED BY LEGISLATIVE COUNCIL.
08-27-97 REPORT SENT TO AGENCY.

RNS:AS:kjf;wu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

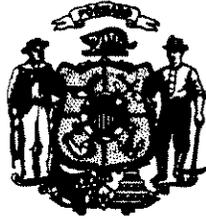
Comment Attached YES NO

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CLEARINGHOUSE RULE 97-106

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 October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the treatment clause of SECTION 1, "(intro.) and (a)" should replace "and 310.01 (2) (a)."
- b. In SECTION 4, the treatment clause should state that the paragraphs, as renumbered, are amended. This comment applies throughout the rule. Also, throughout the rule, "to" should replace "through" in treatment clauses.
- c. In s. DOC 310.01 (2) (g), "and" should be inserted after the stricken semicolon.
- d. In s. DOC 310.03 (6), the agency should place the second sentence in a different section since it is a substantive provision. [See s. 1.01 (7) (b), Manual.]
- e. In s. DOC 310.03 (7), the word "inmate" before "complaint" should be underscored. Also in that subsection, "that" should be deleted.
- f. In s. DOC 310.06 (3), the comma after "authority" should not be underscored.
- g. In s. DOC 310.07 (2), the comma after "examiner" should be deleted. Also in that subsection, the parentheses in "(ICI)" should be deleted.
- h. In s. DOC 310.08 (2) (intro.), "~~institution~~" should be replaced with "institutional."
- i. In s. DOC 310.08 (2) (e), "~~of on~~" should be replaced with "on" unless the drafter intends to use a different word.

j. In the treatment clause to SECTION 28, "(intro.)" should be inserted after the first "(3)."

k. In s. DOC 310.09 (6), the first use of "complaints" in the first sentence should not be underscored. Also in that subsection, the periods at the end of the two sentences should not be underscored.

l. In s. DOC 310.11 (1), "Only" should precede "Except." Throughout the rule, stricken material should always precede adjacent underscored material.

m. In s. DOC 310.11 (2), "dated for purposes of identification" should be underscored.

n. In s. DOC 310.11 (7), "appropriate reviewing authority" should be placed immediately before the period.

o. In SECTION 60, in the treatment clause, "(2)" should be inserted between "310.14" and "(b)."

p. In SECTION 63, "(4) (a) through (4) (c)" should be deleted from the treatment clause. Referencing sub. (4) is adequate. This comment also applies to SECTION 67.

q. In SECTION 64, "(title)" should be inserted before the period in the treatment clause.

r. In the treatment clause to SECTION 73, the second "SECTION" should be deleted.

s. In s. DOC 310.16 (2), the comma after "security" should be underscored.

t. In the Note to s. DOC 310.01, paragraph 2, sentence 3, "issues" should be underscored and "questions" should be stricken through.

u. In the Note to s. DOC 310.05, paragraph 4, sentence 1, it appears that "~~should not~~" should be inserted before "may" and that "may" should be underscored.

v. In the Note to s. DOC 310.09, paragraph 3, sentence 2, "adequately" should be inserted after "possible to."

w. In the Note to s. DOC 310.09, paragraph 3, sentence 3, "a" should not be underscored.

x. In the Note to s. DOC 310.12, paragraph 1, sentence 1, "~~calendar~~" should be inserted before "working" and "working" should be underscored.

y. In the Note to s. DOC 310.13, paragraph 1, sentence 1, "adverse" should not be underscored.

z. In the Note to s. DOC 310.13, paragraph 2, sentence 1, the period should not be underscored.

aa. In the Note to s. DOC 310.16, paragraph 2, sentence 2, please review the amendments. It is unclear how the agency wishes to amend the sentence.

ab. In the Note to s. DOC 310.16, paragraph 3, sentence 3, "rather" should be inserted before "abuse."

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

a. In the section of the plain language analysis relating to statutory authority, "(2)" should be deleted from the cite to s. 301.02, Stats.

b. In SECTION 16, in the treatment clause, "(intro.)" should be inserted after "310.025 (2)" and "310.06 (2)."

c. In s. DOC 310.06 (2) (d), it appears that the cite to s. DOC 310.11 (9) should be to s. DOC 310.11 (7).

d. In s. DOC 310.06 (2) (e), the cite to s. DOC 310.11 (13) should be to s. DOC 310.11 (3).

e. Section DOC 310.19 allows the secretary to suspend a provision of ch. DOC 310 in an emergency. The Note to this section states that "(t)he rules define an emergency." It is not clear where "emergency" is defined. Can a cross-reference be included?

f. In the Note to s. DOC 310.11, paragraph 5, sentence 1, it appears that the cites to subs. (10) and (11) should be to subs. (8) and (9).

g. In the Note to s. DOC 310.16, paragraph 6, sentence 2, it appears that the cite to s. DOC 303.271 should not be changed.

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

a. In s. DOC 310.03 (6), "employee" should be spelled "employe."

b. In s. DOC 310.06 (2) (a) to (e), the verbs are in the wrong tense due to the amendment to the introductory sentence. For example, in par. (a), "Investigates" should be "Investigate."

c. In s. DOC 310.03 (17), it appears that the text defines "significant issue."

d. In s. DOC 310.09 (4), "should" should be replaced with "shall."

e. In s. DOC 310.06 (6), "reviews" should be replaced with "shall review." If this change is made, "makes" and "ensures" should be replaced with "make" and "ensure."

f. In s. DOC 310.11 (1), the reference to s. DOC 310.07 (2) is not helpful in this subsection without further explanation. Section DOC 310.07 (2) simply permits the warden to appoint someone to function in place of the institution complaint examiner. It would be helpful to explain what the responsibilities of the person appointed are in relation to collecting complaints.

g. In s. DOC 310.11 (2), it appears that the first sentence would be more appropriately placed in the section concerning filing complaints. Alternatively, this subsection could require whoever is processing the complaints to assign a separate file number to each issue contained in a complaint.

Also in that subsection, it would be clearer to delete the comma after "identification" and to insert "and."

h. In s. DOC 310.08 (4), it would be clearer to replace the text after "directed" with "as follows to the appropriate reviewing authority:" or with "as follows:".

i. In s. DOC 310.13 (4), it appears that it would be more appropriate to use "rejected" instead of "dismissed" to be consistent with s. DOC 310.11 (4). This comment also applies to the Note to this subsection.

j. In the Note to s. DOC 310.01, paragraph 2, sentence 3, "form" should be replaced with "forum."

k. In the Note to s. DOC 310.11, paragraph 3, sentence 4, "tension" should be replaced with "tensions."

l. In the Note to s. DOC 310.16, paragraph 2, sentence 1, "identify" should be replaced with "identity."

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