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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 “~~(IC)~~” 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.”