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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 16-054

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### 2. Form, Style and Placement in Administrative Code

- a. The introductory clause for the proposed rule should be revised to list the types of treatment in the following order: to repeal; to amend; and to repeal and recreate. [s. 1.02 (1) (b), Manual.]
- b. In the rule summary, the explanation of agency authority should be completed.
- c. A specific date should be given for the deadline to submit comments on the proposed rule.
- d. The treatment of ss. DOC 303.82 (4) and 327.26 (2) (a) and (b) should be reviewed and corrected to ensure that when amending the current rule provision the language to be removed is stricken-through and new material to be inserted is underscored. [s. 1.06, Manual.]
- e. Consider whether it is necessary to repeal and recreate ch. DOC 310. Repealing a provision and reusing the existing section numbers can cause confusion and may lead to erroneous cross-references. It also does not signal to readers which provisions of the rule have been rewritten. [ss. 1.03 (5) (a) and 1.065, Manual.]
- f. Review the proposed rule to place the beginning of each subsection or paragraph on a new line. For example, the placement of ss. DOC 310.07 (7) and 310.10 (5) should be corrected.
- g. In s. DOC 310.12 (5), insert “s.” prior to “DOC 310.09”. [s. 1.07 (2) (Table), Manual.]

h. SECTIONS 4 and 5 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, they may be included in the same SECTION of the proposed rule. [s. 1.04 (2) (a) 4., Manual.]

i. SECTION 6 of the proposed rule should be removed. Only one effective date is required and SECTION 8 provides this provision in the appropriate form and placement. [s. 1.02 (4), Manual.]

j. In SECTION 7 of the proposed rule, the initial applicability provision should be revised to specify that the rule “first applies” to complaints received on the effective date of the rule. [s. 1.02 (3m) (Example), Manual.]

k. SECTION 9 of the proposed rule should be removed. A Regulatory Flexibility Analysis is not an appropriate provision for the rule text. [s. 1.02 (6), Manual.]

l. The final line of the text of the proposed rule should be removed as it is not part of the text of the rule (“Fiscal Estimate. See Attached.”).

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

In s. DOC 310.10 (5), insert “DOC” between “s.” and “310.07”.

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

a. Section DOC 310.07 of the rule specifies that “an inmate shall attempt to resolve the issue by following the designated process specific to the subject of the complaint.” It would be helpful to specify these designated processes.

b. It is unclear what s. DOC 310.07 (10) is trying to accomplish. Is this attempting to state that the inmate must file a complaint at the institution where the related incident occurred?

c. In s. DOC 310.08 (1), it is unclear whether the time limits under s. DOC 310.07 apply to complaints of sexual abuse if the same complaint also alleges an issue that does not relate to sexual abuse. Is it the department’s intent to apply the time limits under s. DOC 310.07 only to the portion of the complaint that alleges an issue that does not relate to sexual abuse?