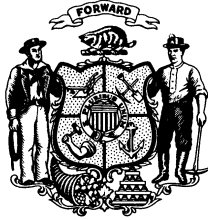


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## CLEARINGHOUSE RULE 97-067

### 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. The rule does not contain a treatment under enumerated SECTIONS. Further, because the Administrative Code currently contains s. DOC 309.15, it appears that the SECTIONS of the rule should read as follows:

SECTION 1. DOC 309.25 is repealed and recreated to read:

SECTION 2. DOC 309.26 to 309.29 are repealed.

However, it appears that s. DOC 309.15 may be repealed in the ultimate promulgation of Clearinghouse Rule 97-014. If so, and if it is intended to place a legal services provision under s. DOC 309.15, then two changes should be made in Clearinghouse Rule 97-067. First, Clearinghouse Rule 97-014 should be promulgated before Clearinghouse Rule 97-067 and this intention should be stated in the analysis to the latter rule. Second, the treatment clauses should read:

SECTION 1. DOC 309.15 is created to read:

SECTION 2. DOC 309.25 to DOC 309.29 are repealed.

b. An effective date clause should be inserted at the end of the rule-making order.

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

a. In s. DOC 309.15 (1), “of corrections” should be deleted since “department” is defined in s. DOC 309.02 (3) as the Department of Corrections. Also, the comma after “judicial process” should be deleted and “and” should be inserted.

b. In s. DOC 309.15 (2), stating that inmates “should” have access to courts and administrative agencies does not accomplish anything. The rule should state that inmates “shall have reasonable access to courts and administrative agencies.”

c. Given the statement in the analysis that inmates have a constitutional right of access to courts, why does s. DOC 309.15 (3) provide that neither correctional centers nor the Wisconsin Resource Center must maintain a law library and make legal materials available? See s. DOC 309.27 (2) which requires that efforts must be made by correctional centers and the Wisconsin Resource Center to accommodate requests of inmates for legal materials. Also, the phrase “Resource Center” should not be capitalized. Finally, stating that special provisions “should” be made to provide access to legal materials to inmates with a special legal need does not assure that special provisions will be made. The word “should” should be replaced with “shall.” Should this provision simply apply to inmates with a special need, as opposed to a special legal need, such as illiteracy?

d. In s. DOC 309.15 (5), the word “strictly” should be deleted and the last sentence should state that the department “is not” responsible for materials given to inmates by other inmates.