



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-091

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The rule preface should describe the systems used, if any, in Iowa, Michigan, and Minnesota, as well as in Illinois.

b. Throughout the rule, section titles should be written with an initial capital letter and in bold print. [Section 1.05 (1) (b), Manual.]

c. In s. WEM 8.04 (3), the letters signifying the four paragraphs (a to d) should not be followed by periods and should be enclosed in parentheses.

d. In the table of contents, s. WEM 8.05 is titled “Types and *Classing* of Resources,” while s. WEM 8.05 (title) itself refers to “Classes,” which seems to be the proper word choice. See comment 5. f. 1., below, about the content of this section.

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

a. In s. WEM 8.02 (5), the citation to “s. Trans Chapter 309 and ss. HFS Chapters 110 through 113” should be replaced by “ch. Trans 309 and chs. HFS 110 to 113.” Is there a specific provision of ch. Trans 309 that could be cited? Section WEM 8.05 also contains a reference to “s. Trans 309.” The citation should be changed to *ch.* Trans 309, or, preferably, a specific provision within the chapter that would give the reader more guidance. Finally, in s. WEM 8.07, the last cross-reference should be “chs. HFS 110 to 113.”

b. In s. WEM 8.02 (6), it is suggested that the citation be to the statutory definition of “incident command system” from s. 166.02 (6m), Stats., in the emergency management statutes, rather than to the rule definition in s. Comm 30.01 (16).

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

a. In the first paragraph of the page entitled, “*Analysis Prepared by the Division of Emergency Management*,” “ch.” should precede “WEM 8” and a comma should follow it. In the “Statutes Interpreted,” a period should be inserted after the “3.” In Related Rule of Statute,” the word “of” should be replaced by the word “or.”

b. In s. WEM 8.01, “ss.” should read “s.” Also, it would be helpful if this provision contained applicability language that explains to which local units of government the rule applies and whether it also applies to entities other than those units. For example, can tribal governments participate in Mutual Aid Box Alarm System (MABAS)?

c. The following comments pertain to s. WEM 8.02:

- (1) In sub. (1), does “member unit” mean a member of the MABAS system? The term should be defined.
- (2) In sub. (2) and throughout the definitions, the acronym “MABAS” may be used without also providing its full name, because “MABAS” is defined in sub. (12).
- (3) In sub. (4), the phrase “resources of the stricken unit and such that a member” should be replaced by “of that unit, so that the.”
- (4) In sub. (5), the phrase “pre-hospital, interfacility, or from” should be replaced by “pre-hospital or interfacility settings or from.”
- (5) In sub. (6), “same” on line 1 can be deleted and “as” on line 1 should be replaced by “specified.”
- (6) In sub. (7) and throughout the rule, the slashed alternative “and/or” should be replaced by “or.” [s. 1.01 (9), Manual.]
- (7) The last sentence of sub. (8) regarding the statewide MABAS executive board is substantive language that does not belong in a definition, but rather in the body of the rule. The same comment applies to the last sentence of sub. (12). [Section 1.01 (7) (b), Manual.] Perhaps “MABAS executive board” should be defined.
- (8) In sub. (10), the phrase “unit of local government” should read “local unit of government.” Also, counties should be included in the list of local units of government, because they are listed as participating governments in the MABAS statute. [s. 166. 03 (2) (a) 3., Stats.] See comment 5. b., above, regarding whether entities other than counties, cities, villages, and towns may participate in MABAS. A comma should be inserted after “district” on line 2. Finally, the language on the last two lines is awkward and needs to be rewritten so that its meaning is clear.

- (9) In sub. (12), the phrase “also known as MABAS” should be replaced by: “or ‘MABAS.’” Also, the first sentence should be rewritten in the active voice: “...means a definite and prearranged plan whereby an aiding unit provides response and assistance to a stricken unit in accordance with...” The entire rule should be reviewed to eliminate use of the passive voice. [s. 1.01 (1), Manual.] On line 3, “and amended”: should be changed to “, as amended.”
- (10) In sub. (13), the semi-colon on line 3 could be changed to a comma for consistency. Also, should “domestic incidents” be defined, so the reader is on notice as to what types of problems NIMS will address?
- (11) It is suggested that “Wisconsin Emergency Management” or “WEM” be defined in sub. (15) as the name commonly used to refer to the Division of Emergency Management, so that the acronym WEM may be used on its own throughout the rule. Then, the defined term in what would become sub. (16) can be “WEM duty officer.” In the latter provision, the phrase “a day” should be inserted after “24 hours” and the second “and” on line 2 should be replaced by a comma. Finally, “Wisconsin emergency management’s” can be replaced by “WEM’s.”

d. In s. WEM 8.03 (intro.), “their” on line 3 should be changed to “its.” The phrase “the following” should be inserted in place of “various” on the last line. In sub. (1), “on scene” should be changed to “on the scene of an emergency.” In sub. (4), for consistency with previous provisions, “resources” should be changed to “response capabilities.” “Significant” should read “significance,” “transmitted” should be inserted after “or,” and “Wisconsin emergency management” should be replaced by “WEM.”

e. In s. WEM 8.04:

- (1) In sub. (1), the first “the” on line 3 should be replaced by “other.” On line 5, the phrase “that are” should be inserted after “equipment.” Also, reference is made to policies and procedures established and maintained by the MABAS member units. Do the units have any guidance as to what should be in the policies and procedures? Is there uniformity in those policies and procedures across MABAS member units and, if not, could there be confusion as to how the various units are operating? Where can people find information on or obtain a copy of the policies and procedures? A note with a reference to a document containing them would be useful. The same comment pertains to MABAS staffing guidelines, referenced in s. WEM 8.05, if they are not included in the policies and procedures.
- (2) Sub. (2) does not state who is responsible for activating the necessary number of units. Also, on line 3, “policy” should be plural.
- (3) In sub. (3) (intro.), “being requested” should be changed to “receiving a request”. In sub. (3) (a), what is meant by “the system maintained by MABAS”? In sub. (3) (c), what is meant by “the procedure of MABAS”? Is this one of the policies and procedures referenced in sub. (2)? It would be helpful to indicate in the rule the actual procedure to be followed, because people may not have access to the MABAS policies and procedures.

- f. The following comments pertain to s. WEM 8.05:
- (1) The title of this section is “Types and Classes of Resources.” First, it is unclear what the difference is between “types” and “classes.” Moreover, the rule text does not break down resources into those two categories, nor does it appear to discuss different types or classes of resources. It mentions equipment and apparatus needing to fall within with NIMS vehicle classifications, but it does not describe any of those classifications. It goes on to talk about staffing guidelines, which does not appear to have anything to do with either types or classes of resources. The entire section should be reviewed, modified as needed, and titled according to its content.
 - (2) On line 2, it is suggested that “shall be compliant with” be changed to “shall comply with.”
 - (3) The phrase “At the local response level, state response level and national response level” could be shortened to: “At the local, state and national response levels....”
 - (4) Reference is made to “all MABAS staffing guideline minimums.” Where are those set forth? See also comment 5. e. (3) on this point.

g. In s. WEM 8.06, “their” on line 2 should be changed to “its.” The last sentence could be rewritten to read: “Each WEM region shall designate one MABAS division as a WEM regional coordinator.” Should the organization, roles, and responsibilities of these various echelons within MABAS be spelled out more fully?

h. In s. WEM 8.07, “firefighter” on line 2 should be plural.

i. In the second sentence of s. WEM 8.08 (1), the phrase “to the incident commander or designee of the stricken unit” on lines 3 and 4 should be moved to follow “report” on line 2. On line 5, the phrase “shall notify” could be changed to “notifies” and the word “extend” should be replaced by the word “extent.” In the first sentence of sub. (2), “Aiding units” should be “An aiding unit.” The second sentence should read: “The aiding unit shall immediately notify the stricken unit of its inability to respond.”

j. In s. WEM 8.10, “participating agencies” should be changed to: “An agency participating in.” Also, reference is made to “the statewide mutual aid plan.” Is that different from MABAS? If so, the plan should be explained or defined. Also, “WEM duty officer directed responses” should be rewritten to read: “responses to a non-participating community at the direction of the WEM duty officer.”