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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-167

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. Should the statement of statutory authority contained in the analysis to the rule refer to s. 40.24 (1) (e) and (f), Stats., rather than to s. 40.24 (4) (e) and (f), Stats.?
- b. The treatment clause should read: “SECTION 1. ETF 60.53 (2) is created to read:”.
- c. Because the first sentence of s. ETF 60.53 (2) does not grammatically lead into the following subunits, it should be numbered as par. (a). The remaining paragraphs and internal cross-references should be renumbered accordingly.
- d. In s. ETF 60.53 (2) (b), “same” should be deleted in the last line.
- e. In s. ETF 60.53 (2) (d), the Note is substantive and should be contained in the body of the rule. This can be done by renumbering par. (d) (intro.) as par. (d) 1., renumbering the subdivisions to subpars. a. to c. and including the Note as par. (d) 2.
- f. In s. ETF 60.53 (2) (e) and (f), the notation “subd.” should be replaced by the notation “par.”

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

- a. Section ETF 60.53 (2) (a) states that the department will treat a distribution “paid as annuity or as a lump sum in lieu of an annuity” as having begun if the participant or payee dies

on or after “the effective date of the annuity and the annuity is in effect on the date of death.” However, if a lump sum has been paid in lieu of annuity, the provision is unclear on how the department will treat the distribution. Is it the date on which the annuity would have begun? This provision should be rewritten to clarify when a distribution paid as a lump sum in lieu of an annuity will be considered to be paid by the department.

- b. In s. ETF 60.53 (2) (e), a period should be inserted following “70.5.”