



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-036

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 September 1998.]

1. Statutory Authority

a. In light of the Governor’s veto of substantially similar language in 2001 Wisconsin Act 16, the analysis to the rule should explain how the department arrived at the definition of “nonprofit organization” which is set forth in s. ATCP 127.80 (2).

b. The analysis to the rule should explain why the definition of “residential telephone customer,” set forth in s. ATCP 127.80 (5), is different from the definition of “residential customer” set forth in s. 100.52 (1) (f), Stats. (as created by 2001 Wisconsin Act 16). Specifically, why does the rule not exempt from the definition of “residential telephone customer” an individual who operates a business at his or her residence?

2. Form, Style and Placement in Administrative Code

a. Since s. ATCP 127.81 (2) sets forth the requirements that must be met for registration as a telephone solicitor, “under sub. (1)” should be replaced with “as a telephone solicitor.”

b. In s. ATCP 127.81 (3) (e), it appears that a comma was inadvertently deleted from the first occurrence of “\$1,000.”

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

a. Should s. ATCP 127.80 (8) (d) be expanded to include a sentence similar to the last sentence in s. 100.52 (6) (b), Stats. (as created by 2001 Wisconsin Act 16), which specifies that the exception that applies to a person making a telephone solicitation to a recipient who is a current client does not apply if the recipient is a current client of an affiliate of the person but not a current client of the person making the telephone solicitation?

b. In s. ATCP 127.81 (2) (b), should “or province” be inserted after “state”?

c. Under s. ATCP 127.81 (2) (f), must an applicant for registration designate a person other than the registrant to respond to department notices and inquiries on behalf of the registrant? If not, “if any” or a similar phrase should be added to that paragraph.

d. If any of the information provided to the department under s. ATCP 127.81 (2) (a) through (i) changes during the annual registration period, must the registrant provide updated information to the department?

e. The content of the second and third sentences of the note following s. ATCP 127.82 (3) are substantive in nature and should be placed in the text of the rule. See s. 1.09 (1), Manual. Also, once the telephone number and web site address have been determined, they should be included in the note.

f. In s. ATCP 127.83 (4), what is meant by an “effective” notice?