



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-084

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.]

1. Statutory Authority

Section 706.25 (4) (a), Stats., which the department cites as authority for the rule, requires the electronic recording council to adopt standards to implement s. 706.25, Stats. That statute also requires the department to promulgate by rule the standards adopted, amended, or repealed by the council.

Section Adm 70.03 (1) requires the council to establish technical standards for submitting electronic recording files. Section Adm 70.04 requires the council to establish fundamental business requirements and guidelines for trusted submitter software. The department should explain how these rules comply with the statutory requirement that the department promulgate standards that are adopted by the council.

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

a. In the “Related Statute or Rule” section of Clearinghouse Rule 08-084, the reference to “Wisconsin Statute 137” should be changed to “ch. 137, Stats.”. The reference to “Adm 13, Electronic Signatures” should be changed to “Chapter Adm 13, Wis. Adm. Code.”

b. In s. Adm 70.02 (6), instead of identifying the Wisconsin Act that created the uniform electronic transactions act, a reference to the statutory section should be provided. By doing this, any future revisions to state statutes will be incorporated in the rule. This comment also applies to s. Adm 70.02 (7).

c. In s. Adm 70.06, the reference to s. 66.0217 (1) (c), Stats., is unnecessary. Section 706.01 (7r), Stats., incorporates s. 66.0127 (1) (c), Stats.

d. In s. Adm 70.07, the reference to “Wisconsin UETA law” should be replaced with a statutory reference.

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

In s. Adm 70.03 (1), the reference to “XML Implementation guidance” is unclear. If the use of this term is necessary, it is suggested that it be defined in s. Adm 70.02.