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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-125

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. In the analysis, the method of statutory citation should be reviewed and corrected.
- b. The period after the “5” in the title of s. ETF 10.75 should be deleted and a period added after the word “ATTORNEY.”
- c. Because s. ETF 10.75 (1) is effectively a definition, the defined term, “power of attorney,” should be set off in quotation marks.
- d. In s. ETF 10.75 (2) (a), the phrase “at its discretion” is unnecessary and should be deleted.

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

- a. For purposes of clarity, in s. ETF 10.75 (1), the phrase “all of the following:” should be inserted after the word “includes.” Then the different types of powers of attorney could be listed in separate, lettered paragraphs after the colon. Also, the phrases “or the uniform durable power of attorney act” and “or the uniform statutory power of attorney act” are unnecessary and should be deleted.
- b. The rule refers to the person making a power of attorney differently. The rule refers to such a person as “the person,” “the principal” and “the participant.” A uniform term should

be used throughout the rule, and possibly defined at the beginning of the rule, to eliminate any possible confusion.

c. In s. ETF 10.75 (2) (intro.), the phrase “a signature” should be replaced by the phrase “the signature of the participant/person/principal.” [See comment b, above.]

d. In s. ETF 10.75 (2) (a), to what does the term “letter of appointment” refer? It appears that the term is not used in s. 243.07 or 243.10, Stats., relating to powers of attorney. Perhaps the rule could simply refer to an original or photocopy of the power of attorney. Similarly, the word “appointment” in par. (b) could be replaced by the term “power of attorney.” Finally, for clarity, the phrase “by the power of attorney” could be inserted after the word “delegated” in par. (c).

e. In s. ETF 10.75 (3), the phrase “there is” should be replaced by the phrase “the department has.”