



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-069

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. The rule preface cites s. 137.25 (2), Stats., as a related statute or rule. However, this statutory provision already is cited as statutory authority for the rule and as a statute interpreted by the rule. This portion of the rule summary should either state that there are no related statutes or rules or a different statutory provision should be cited.

b. The rule preface discussion of federal regulations cites “Wisconsin Act 294.” The year of the session in which the enactment occurred should precede the citation to Act 294.

c. The rule preface describes Kansas as an adjacent state to Wisconsin. The department is free to describe the law in any state in addition to the laws of adjacent states, in the rule preface, but Kansas is not an adjacent state to Wisconsin and its laws are not required to be described in the rule preface.

d. In the rule preface, to what do the references “RFC 3647” and “PKI” refer?

e. In s. Adm 13.06 (intro.), the phrase “all of” should be inserted before the phrase “the following.”

f. Section Adm 13.08 (2) and (3) should be drafted in parallel fashion. That is, the sections should both provide that “Each governmental unit shall...” unless there is a reason to use two different constructions.

g. Section Adm 13.07 uses the term “electronic signatory,” whereas the balance of the rule (including the definition section) uses the term “electronic signatures.” If “electronic signatory” has a different meaning than electronic signatures, the term should be defined.

h. In s. Adm 13.08, the cross-reference to other internal sections should be to “ss. Adm 13.06 and 13.07.”

i. In s. Adm 13.08, parenthetical notations should be used in numbering all of the subunits rather than using brackets. Also, sub. (3) (intro.) should conclude with a colon.

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

a. A definition or description of the term “perceivable form” in s. Adm 13.04 (10) would be helpful.

b. The first sentence of s. Adm 13.06 is exceedingly broad and therefore it is not clear what is intended by the provision. The scope of the sentence should be reviewed and clarified if possible. An option might be to provide that the rule is not intended to preempt or modify other statutes or rules pertaining to electronic signatures or related security procedures.

c. Section Adm 13.07 (1) (a) to (d) should be redrafted to be put into complete sentence form to improve the clarity of the rule. For example, par. (a) could read as follows: “Level 1 applies to situations that require no significant confidence in the identity of electronic signatory.”

d. The agency may wish to include an initial applicability section to clarify when the rule will first apply.