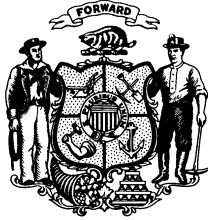


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## *RULES CLEARINGHOUSE*

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## CLEARINGHOUSE RULE 97-105

### 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. As currently drafted, Clearinghouse Rule 97-105 does not state the actions the department will take to locate benefit employees. Section ETF 10.79 (1) states that the department may (rather than shall) take the actions enumerated in pars. (a) to (d) to notify benefit payees. Similarly, s. ETF 10.79 (2) states that the department may (but not shall) take the actions in pars. (a) to (c) to notify benefit payees before considering a benefit abandoned. In addition, both subsections of s. ETF 10.79 explicitly state that the enumerated activities are not the only activities the department may take to locate benefit payees. It is suggested that s. ETF 10.79 be redrafted to at least state what the department will do to locate benefit payees. Would this be accomplished by replacing the word “may” with the “shall” in s. ETF 10.79 (1) and (2)?

b. In s. ETF 10.79 (2) (a), the references to the Social Security Administration and the Internal Revenue Service should be in lower case.

c. In s. ETF 10.79 (2) (c), the notation “par.” should be replaced by the word “paragraph.”

d. The rule does not contain an effective date provision. [See s. 1.02 (4), Manual.]

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

It is suggested that s. ETF 10.79 (1) (c) be redrafted in a manner similar to the following, in order to make the paragraph grammatically correct: “Initiate a minimum of one written

contact per year to alternative payees and participants, other than participating employees and annuitants, which may be accomplished by sending those persons an annual statement of account or benefit statement.”