

**STATE OF WISCONSIN
DEPARTMENT OF EMPLOYEE TRUST FUNDS
801 West Badger Road
Madison, WI 53702**

CORRESPONDENCE MEMORANDUM

DATE: July 27, 2004

TO: Members of the Group Insurance Board and Deferred Compensation Board

FROM: Robert F. Weber, DETF Chief Counsel

SUBJECT: Scope Statement for new "Fax" Rule

This is an action item. The Department of Employee Trust Funds asks for Board approval of the attached Scope Statement and of revising the draft Proposed Rule being prepared for the retirement boards to also include matters under the jurisdiction of this Board. The Scope Statement was published May 30, 2004, and approved by the Employee Trust Funds Board, Teachers Retirement Board and Wisconsin Retirement Board in June. If this Board approves, the DETF will publish a proposed rule applicable to all five Boards, hold the required public hearing and then prepare a final draft rule to bring back before each Board for review and approval.

However, until a statement of scope is approved, Wis. Stat. § 227.135 (2) prohibits any state employee or official from performing any activity in connection with drafting the proposed rule beyond what is necessary to prepare the scope statement. Each Board may act to either approve or disapprove the scope statement, or may take no action. If a Board fails to take action for 30 days after the statement of scope is presented to the Board, then the statement is deemed to be approved — as provided by Wis. Stat. § 227.135 (2).

The proposed rule-making is intended to modify the original "fax rule" promulgated in 1995, and expand the scope and function of that rule. It would also incorporate other rules promulgated since 1995 that allow faxes of particular documents to be accepted. The proposed rule will liberalize the Department's acceptance of documents via fax. A current requirement to follow-up the fax by filing the original document would be eliminated. The DETF proposes to generally treat receipt of a facsimile just as it would treat receipt of a copy of the document itself, with a few exceptions. For example, court orders or a document that expressly states that a copy may not be relied upon to the same extent as the original — language found in some powers-of-attorney — could not be accepted by fax.

Reviewed and approved by Tom Korpady, Division of Insurance Services.

Signature

Date

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