

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

**CORRESPONDENCE MEMORANDUM**

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**DATE:** July 8, 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 to proceed with drafting a proposed rule as described in the attached Scope Statement. 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. However, 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).

This rule-making would 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. As is more fully explained in the accompanying statement titled "Scope of Proposed Rule," the proposed rule would 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. In essence, the DETF proposes to generally treat receipt of a facsimile just as it would treat receipt of a copy of the document itself.

There would be 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.

The attached Scope Statement was published in the Administrative Register of May 30, 2004. The Employee Trust Funds Board, Teachers Retirement Board and Wisconsin Retirement Board approved the Scope Statement at their June meetings. A proposed rule affecting programs under the oversight of those boards is now being drafted.