



STATE OF WISCONSIN
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CORRESPONDENCE MEMORANDUM

DATE: January 26, 2005
TO: Members of the Deferred Compensation Board
FROM: Robert Weber, DETF Chief Counsel
SUBJECT: Final Draft Report on new Fax and E-mail Receipt Rule

This is an action item: The Board is requested to approve the attached Final Draft Report for submission to the Legislature.

The new fax and e-mail rule is intended to generally treat documents received by fax or e-mail as if they were received by other, non-electronic means — such as by mail or hand-delivery. The rule also makes a change in current practice with respect to these electronic documents. The date of receipt will be the actual date the electronic document arrives on the Department's e-mail or fax server, even if that is after regular office hours, on weekends or holidays. Non-electronic documents may only be received during regular business hours.

The rule was previously brought before the Board at both the scope statement and proposed rule stages. During the course of this rulemaking, its scope was expanded to include programs under the jurisdiction of all the Boards attached to the Department of Employee Trust Funds, except for the Private Employer Health Care Coverage Board. That expansion has been the only substantive changes made to the text of the rule since its inception. Some minor editorial changes were suggested by the Legislative Council Staff, as described in their report (see page 17 of the Final Draft Report). These suggestions were all implemented as described on page 18 of the Final Draft.

The Department suggests adopting the following motion:

The Deferred Compensation Board approves the Department's final draft report on Clearinghouse Rule #04-104 for submission to the Legislature and promulgation.

Reviewed and approved by Dave Stella, Deputy Secretary

Signature _____

Date _____