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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-094

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. In SECTION 2, “shall apply” should be shown as stricken through followed by “applies”. Also, in the treatment clause to SECTION 2, “section” and “s.” should be deleted.
- b. In SECTION 3, the title to ch. Ins 51 should not be underscored. [See s. 1.05 (2) (a), Manual.]
- c. In s. Ins 51.01 (1) and in numerous other places in the rule, “an”, rather than “a”, is inappropriately used before the word “risk.” Also, “a” should replace “an” before “regulatory” in s. Ins 51.30 (1) (a).
- d. All subunits of a rule should end with a period, except introductory material, which ends with a colon. [See s. 1.03 (intro.), Manual.] Thus, in s. Ins 51.01 (2), all of the paragraphs should end with periods rather than semicolons. The word “or” is not needed in par. (d), since sub. (2) (intro.) says “any of the following”.

Similar changes should be made throughout the rule. In some instances, it is necessary to add a phrase such as “all of the following” or “any of the following” to introductory material when deleting “and” or “or”, respectively. [See s. 1.03 (8), Manual.] For example, in s. Ins 51.01 (7) (intro.), (10) (intro.) and (15) (intro.), “any of the following” should be inserted after “include”.

- e. In s. Ins 51.01 (5), “action” should replace “Action”. In sub. (6), “order” should replace “Order”.

f. Section Ins 51.01 (8) defines “filing date” as “March 1”. Would it not be simpler merely to delete the definition and substitute “March 1” for the phrase wherever it appears in the text of the rule?

g. In s. Ins 51.01 (14), “negative trend” is defined by using “negative trend”. Also, “trend” should replace “Trend”.

h. In s. Ins 51.01 (16) (intro.), “with respect to any insurer” should be deleted to be consistent with the format in the remainder of the rule. See subs. (2) and (11). In s. Ins 51.01 (16) (a), “the” should be replaced by “an” preceding “insurer”.

i. In s. Ins 51.01 (18), “revised” should be deleted.

j. In s. Ins 51.05 (2), reference is made to a “life and health insurer”. The term defined in s. Ins 51.01 (10) is “life or health insurer”.

k. Section Ins 51.05 (6) does not appear to contain any substantive provisions. It might more appropriately be placed in a note.

l. In ss. Ins 51.30 and 51.40, “Wis.” should be deleted from the statutory citations.

m. In s. Ins 51.40 (1), “or health” should be inserted following “life” in the first line.

n. In s. Ins 51.55 (3), “shall not” should be replaced by “may not”. [See s. 1.01 (2), Manual.] Also, it does not appear that the first sentence sets forth any substantive powers or duties. Could the first part of the first sentence be incorporated into the second sentence?

o. In s. Ins 51.60 (1), “these laws or rules” should replace “such laws”.

p. In s. Ins 51.65 (1) (intro.), “by” should be inserted following “ended”.

q. The title to subch. II should follow, not precede, s. Ins 51.70 as created by the rule. Section Ins 51.70 should be amended by inserting “subchapter” for “chapter”.

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

a. Section Ins 51.01 (7) defines “domestic insurer” and excludes six types of insurers “unless otherwise ordered by the commissioner”. Will this order be in the form of a rule? Are there any standards for the commissioner to follow in determining whether to include any of the six types of insurers in the definition? This comment applies also to subs. (9) and (10). Also, was this phrase intentionally omitted from sub. (15)?

b. Section Ins 51.55 (2) is one sentence that is 18 lines long. It could be made significantly clearer by breaking it down into several sentences or, if necessary, into rule paragraphs. Similarly, sub. (1) is a long sentence that is difficult to follow. It would be clearer if it began with a noun that is immediately followed by a verb. It could also be broken down further.

c. Section Ins 51.60 (2) (intro.) should end with a colon rather than a semicolon.

