

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 99-014

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 September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. Ins 2.80 (3) (b), the parentheses should be eliminated and material should be set apart with commas or placed in an explanatory note. [See s. 1.01 (6), Manual.]

b. In s. Ins 2.80 (3) (f), “see s. 623.06 (2) (am), Stats.” should be replaced by “as provided in s. 623.06 (2) (am), Stats.” Also, “s. INS” should be replaced by “ss. Ins”.

c. The definition of “segmented reserves” in s. Ins 2.80 (3) (h) appears to involve substantive provisions. Substantive provisions may not be incorporated as part of a definition. [See s. 1.01 (7) (b), Manual.]

d. In s. Ins 2.80 (3) (h) 2., “see sub. (5) (g),” should be replaced by “as provided in sub. (5) (g).” The same problem occurs in s. Ins 2.80 (3) (j).

e. In s. Ins 2.80 (4) (a) 2., reference is made to “base select mortality factors.” In s. Ins 2.80 (4) (b) 2., reference is made to “select mortality factors.” References should be consistent as either the select mortality factors or base select mortality factors. It appears that the tables in Appendix I are “select mortality factors.”

f. In s. Ins 3.80 (4) (b) 3. b., reference is made to “twenty percent (20%).” This is inappropriate. Numbers other than one should be written in numerals unless they begin a sentence. [See s. 1.01 (5), Manual.] Moreover, it is unnecessary to provide a parenthetical explanation of a

number. For another example of this problem, see s. Ins 2.80 (4) (b) 3. e. The entire rule should be reviewed for occurrences of this problem.

g. In s. Ins 2.80 (4) (b) 3. i., “percent” should be replaced by a percent sign. Also in the sentence, “shall annually opine” should be replaced with “shall annually offer an opinion.” In the next sentence, “actuarial standards of practice” and “actuarial standards board of the American academy of actuaries” should not be capitalized, except for “American.” [See s. 1.01 (4) (a), Manual.]

h. In s. 2.80 (4) (c), “see s. 623.06 (2) (am)” should be replaced by “as provided in s. 623.06 (2) (am), Stats.” Also, “tenth” should be replaced by “10th.”

i. In s. Ins 2.80 (5) (c), “Pars.” should be replaced by “Paragraphs.”

j. In s. Ins 2.80 (5) (f), the acronym “NAIC” should be spelled out or defined. [See s. 1.01 (8), Manual.] Also, “standard valuation law” should be shown in lower case. [See s. 1.01 (4), Manual.]

k. In s. Ins 2.80 (6) (a) 3., “the features described in” should precede “subds. 1.”

l. In s. Ins 2.80 (6) (i) (intro.), “the following” should be inserted before the colon. In subd. 1., a period should replace “; or”.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Ins 2.80 (6) (h), “sub. (5) (b), (c), (d) and (e)” should replace “sub. (5) (b), 5 (c), 5 (d), and 5 (e).”

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

a. The emergency rule adopted by the Commissioner of Insurance delays the effective date for the model regulation from January 1, 1999 to July 1, 1999. However, this rule provides that the proposed rule will be effective January 1, 2000. What rule will be effective in the interim?

b. Section Ins 2.80 (2) (b) 1. a. and b. should start with “The.”