



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-083

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 2002.]

2. Form, Style and Placement in Administrative Code

a. The rule indicates that it is amending s. Ins 25.50 (1). However, part of existing s. Ins 25.50 is not shown in the rule, namely what is currently s. Ins 25.50 (1) (b). Either all of the material should be shown, or the treatment clause in SECTION 1 should be rephrased to refer only to s. Ins 25.50 (1) (a).

b. Because s. Ins 25.50 (1) (b) already exists, it is inappropriate to number another provision as s. Ins 25.50 (1) (b). The newly created paragraph could instead be numbered s. Ins 25.50 (1) (am). Also, the newly created paragraph should have a title inasmuch as the other paragraphs in s. Ins 25.50 (1) have titles. [See s. 1.05 (1), Manual.]

c. In s. Ins 25.50 (1) (b) (as created in the rule), the reference to “subch. 5 ATCP 127” should be changed to “subch. V of ch. ATCP 127.” [See s. 1.07 (2), Manual.]

3. Conflict With or Duplication of Existing Rules

Section Ins 25.95 (3) includes a cross-reference to s. Ins 25.50 (1) (a) 2. which is being renumbered in the rule to s. 25.50 (1) (a) 1. b. The cross-reference should be changed. As an alternative, consideration could be given to repealing s. Ins 25.95 (3) since it appears to have been effective only until July 1, 2002.

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

a. In the second sentence of the second paragraph of the analysis, it appears that “under the licensee’s brand name” should be changed to “under the licensee’s brand name or the brand name of an affiliate of the licensee.” Also, “personal” should be inserted after “nonpublic.”

b. In the last sentence of the analysis, “licensee” should be changed to “licensee’s.”

c. In s. Ins 25.50 (1) (a) 2. (intro.), “To a” should be changed to “A.”

d. Section Ins 25.50 (1) (a) 2. includes references to “licensee or its affiliate” and references to “licensee or affiliate.” It appears that it would be more appropriate to have all of the references be to “licensee or its affiliate.”

e. Section Ins 25.50 (1) (a) 1. b. and 2. d. refer to “enters into a contractual agreement with the third party.” To avoid ambiguity, it would be useful if the phrase “with the third party” were also added to the phrase “enters into a contractual agreement” in s. Ins 25.50 (1) (a) 2. b.

f. In s. Ins 25.50 (1) (a) 2. c., the phrase “reasonably designed ensure the quality of goods or services, and customer services” is not grammatically correct. It appears that it should be changed to “reasonably designed to ensure the quality of goods or services and of customer services.” Also, “quality” is a neutral term; the nature of the quality may range from poor to excellent. Was a qualifier intended?

g. In s. Ins 25.50 (1) (a) 2. d. in the phrase “take action that is necessary to enforce those standards,” is the reference to “standards” meant to refer to the standards in s. Ins 25.50 (1) (a) 2. c. or to the safeguards in s. Ins 25.50 (1) (a) 2. d.? If the former, the phrase seems duplicative of s. Ins 25.50 (1) (a) 2. c.; if the latter, the word “standards” should be changed to “safeguards.”

h. In s. Ins 25.50 (1) (b), the phrase “or otherwise” should be replaced by the word “to.”

i. In s. Ins 25.50 (1) (b), it appears that the reference to “and” should be changed to “or” so that solicitations prohibited in either the statutes or administrative rules are not permitted.